

Transportation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

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- repeals certain outdated language and makes other technical changes;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

Money Appropriated in this Bill:

None

Other Special Clauses:

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **10-9a-403.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 219
35 **17B-2a-824 (Effective 05/07/25)**, as enacted by Laws of Utah 2007, Chapter 329
36 **41-1a-1206 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 483
37 **41-6a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236
38 **41-6a-709 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412
39 **41-6a-712 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412
40 **41-6a-714 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412
41 **41-6a-1102 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2005,
42 Chapter 2
43 **41-6a-1116 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412
44 **41-6a-1642 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 459,
45 483
46 **53-2a-1102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 34,
47 471
48 **53-2d-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 147,
49 438 and 506
50 **59-12-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 88, 501
51 **63B-11-502 (Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 263
52 **63B-31-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, First Special
53 Session, Chapter 8
54 **63J-3-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 77
55 **72-1-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517
56 **72-1-212 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 524
57 **72-1-213.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 56,
58 259
59 **72-1-217 (Effective 05/07/25)**, as enacted by Laws of Utah 2023, Chapter 366
60 **72-1-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498
61 **72-1-304 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517
62 **72-1-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 22, 219
63 **72-2-106 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 22
64 **72-2-121 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,

Chapters 300, 498 and 501

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

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

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

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

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

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

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

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

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ENACTS:

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

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

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

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

REPEALS:

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

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

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

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

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

10-8-87 (Effective 05/07/25). Road connection plan related to water conveyances.

(1) As used in this section:

(a) "Class C road" means the same as that term is defined in Section 72-3-104.

(b) "Water conveyance" means the same as that term is defined in Section 57-13a-101.

(2) For any class C road that comes to a dead end due to a water conveyance within the boundary of a municipality within a county of the first, second, or third class, the municipality shall:

(a) inventory each instance where a class C road comes to a dead end due to a water conveyance;

(b) subject to Subsection (3), create a plan to address each instance described in Subsection (2)(a) to connect the class C road with other highways to ensure better connected highway systems;

- 99 (c) on or before January 1, 2027, submit the plan described in Subsection (2)(b) to the
100 relevant metropolitan planning organization; and
- 101 (d) in coordination with the relevant metropolitan planning organization, implement the
102 plan described in Subsection (2)(b) no later than December 31, 2029.
- 103 (3) A municipality is not required to connect a class C road as described in Subsection (2) if
104 the municipality and metropolitan planning organization determine that engineering of
105 the connection is impracticable due to topography or other unique circumstances.
- 106 (4) If a municipality fails to meet the requirements of Subsection (2), beginning on January
107 1, 2030, the Department of Transportation shall:
- 108 (a) withhold distributions of class C road funds under Section 72-2-108 until the
109 municipality complies with Subsection (2); and
- 110 (b) distribute any class C road funds withheld under Subsection (4)(a) to other
111 municipalities in the same proportion as provided in Section 72-2-108.
- 112 (5) Implementation of the plan as described in Subsection (2)(d):
- 113 (a) does not require completion of construction of every connection within the
114 municipality; and
- 115 (b) requires substantial progress to construct the necessary connections, as determined
116 by the metropolitan planning organization.

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

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

120 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (b) The requirements of Subsection (2)(a) shall be considered satisfied if:
- (i)(A) the municipality has already adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station area, and can demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and
 - (B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a) have been substantially promoted.
 - (ii)(A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (2)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and
 - (B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (2)(a) impracticable.
- (c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.
- (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 (2)(a) in accordance with Subsection (3)(d)(i)(A).

(iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:

(A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a); and

(B) the municipality would be required to change a zoning designation for the land use application to be approved.

(e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:

(i) the municipality demonstrates to the applicable metropolitan planning

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

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

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

(ii) identify potential updates to the implementation plan 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 convey property to a public transit district if:

(a) the property is adjacent or ancillary to property already owned by a public transit district; and

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

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

41-1a-1206 (Effective 05/07/25). Registration fees -- Fees by gross laden weight.

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

(a) \$46.00 for each motorcycle;

(b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;

(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:

(i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or

- 405 less gross unladen weight;
- 406 (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
- 407 gross laden weight; plus
- 408 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 409 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding
- 410 farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
- 411 weight; plus
- 412 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 413 (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
- 414 exceeding 14,000 pounds gross laden weight; plus
- 415 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 416 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 417 (h) in addition to the fee described in Subsection (1)(b):
- 418 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 419 (A) each electric motor vehicle; and
- 420 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled
- 421 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
- 422 propane; and
- 423 ~~[(ii) \$21.75 for each hybrid electric motor vehicle; and]~~
- 424 ~~[(iii)]~~ (ii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 425 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a
- 426 model year of 1983 or newer, 50 cents; and
- 427 (j) \$28.50 for each roadable aircraft.
- 428 (2)(a) At the time application is made for registration or renewal of registration of a
- 429 vehicle under this chapter for a six-month registration period under Section
- 430 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 431 (i) \$34.50 for each motorcycle; and
- 432 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
- 433 excluding motorcycles.
- 434 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
- 435 registration of a vehicle under this chapter for a six-month registration period under
- 436 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 437 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 438 (A) each electric motor vehicle; and

- 439 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled
440 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
441 propane; and
442 ~~[(ii) \$16.50 for each hybrid electric motor vehicle; and]~~
443 ~~[(iii)]~~ (ii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 444 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 445 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
446 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
447 shall also pay an additional \$7 as part of the registration fee; and
- 448 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
449 pay an additional \$5 as part of the registration fee.
- 450 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
451 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
452 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
453 by taking the registration fee rate for the previous year and adding an amount
454 equal to the greater of:
- 455 (A) an amount calculated by multiplying the registration fee of the previous year
456 by the actual percentage change during the previous fiscal year in the
457 Consumer Price Index; and
- 458 (B) 0.
- 459 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
460 adjust the registration fees described in Subsections (1)(h)(ii)~~[-and-(iii)]~~ and
461 (2)(b)(ii)~~[-and-(iii)]~~ by taking the registration fee rate for the previous year and
462 adding an amount equal to the greater of:
- 463 (A) an amount calculated by multiplying the registration fee of the previous year
464 by the actual percentage change during the previous fiscal year in the
465 Consumer Price Index; and
- 466 (B) 0.
- 467 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
468 nearest 25 cents.
- 469 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
470 older is \$40.
- 471 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
472 of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).

(d) A camper is exempt from the registration fees under Subsection (1).

(5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.

(6)(a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.

(8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and

(b)(i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less than \$200.

(10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

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

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

As used in this chapter:

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

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

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

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

- 507 (5) "Authorized emergency vehicle" includes:
- 508 (a) a fire department vehicle;
- 509 (b) a police vehicle;
- 510 (c) an ambulance; and
- 511 (d) other publicly or privately owned vehicles as designated by the commissioner of the
- 512 Department of Public Safety.
- 513 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 514 (7)(a) "Bicycle" means a wheeled vehicle:
- 515 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 516 (ii) with a seat or saddle designed for the use of the operator;
- 517 (iii) designed to be operated on the ground; and
- 518 (iv) whose wheels are not less than 14 inches in diameter.
- 519 (b) "Bicycle" includes an electric assisted bicycle.
- 520 (c) "Bicycle" does not include scooters and similar devices.
- 521 (8)(a) "Bus" means a motor vehicle:
- 522 (i) designed for carrying more than 15 passengers and used for the transportation of
- 523 persons; or
- 524 (ii) designed and used for the transportation of persons for compensation.
- 525 (b) "Bus" does not include a taxicab.
- 526 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
- 527 in design, located in the center of the intersection where traffic passes to the right of
- 528 the island.
- 529 (b) "Circular intersection" includes:
- 530 (i) roundabouts;
- 531 (ii) rotaries; and
- 532 (iii) traffic circles.
- 533 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 534 motor or electronics that:
- 535 (a) provides assistance only when the rider is pedaling; and
- 536 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 537 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 538 motor or electronics that:
- 539 (a) may be used exclusively to propel the bicycle; and
- 540 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles

- 541 per hour.
- 542 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
543 motor or electronics that:
- 544 (a) provides assistance only when the rider is pedaling;
- 545 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 546 and
- 547 (c) is equipped with a speedometer.
- 548 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 549 (14) "Controlled-access highway" means a highway, street, or roadway:
- 550 (a) designed primarily for through traffic; and
- 551 (b) to or from which owners or occupants of abutting lands and other persons have no
552 legal right of access, except at points as determined by the highway authority having
553 jurisdiction over the highway, street, or roadway.
- 554 (15) "Crosswalk" means:
- 555 (a) that part of a roadway at an intersection included within the connections of the lateral
556 lines of the sidewalks on opposite sides of the highway measured from:
- 557 (i)(A) the curbs; or
- 558 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 559 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
560 included within the extension of the lateral lines of the existing sidewalk at right
561 angles to the centerline; or
- 562 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
563 pedestrian crossing by lines or other markings on the surface.
- 564 (16) "Department" means the Department of Public Safety.
- 565 (17) "Direct supervision" means oversight at a distance within which:
- 566 (a) visual contact is maintained; and
- 567 (b) advice and assistance can be given and received.
- 568 (18) "Divided highway" means a highway divided into two or more roadways by:
- 569 (a) an unpaved intervening space;
- 570 (b) a physical barrier; or
- 571 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 572 (19) "Echelon formation" means the operation of two or more snowplows arranged
573 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
574 clear snow from two or more lanes at once.

- 575 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 576 (i) has a power output of not more than 750 watts;
- 577 (ii) has fully operable pedals;
- 578 (iii) has permanently affixed cranks that were installed at the time of the original
- 579 manufacture;
- 580 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 581 (v) is one of the following:
- 582 (A) a class 1 electric assisted bicycle;
- 583 (B) a class 2 electric assisted bicycle;
- 584 (C) a class 3 electric assisted bicycle; or
- 585 (D) a programmable electric assisted bicycle.
- 586 (b) "Electric assisted bicycle" does not include:
- 587 (i) a moped;
- 588 (ii) a motor assisted scooter;
- 589 (iii) a motorcycle;
- 590 (iv) a motor-driven cycle; or
- 591 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 592 intended, or advertised by the seller to have any of the following capabilities or
- 593 features, or that is modifiable or is modified to have any of the following
- 594 capabilities or features:
- 595 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 596 power alone;
- 597 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 598 (C) is equipped with foot pegs for the operator at the time of manufacture, or
- 599 requires installation of a pedal kit to have operable pedals; or
- 600 (D) if equipped with multiple operating modes and a throttle, has one or more
- 601 modes that exceed 20 miles per hour on motor power alone.
- 602 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- 603 (i) two nontandem wheels in contact with the ground;
- 604 (ii) a system capable of steering and stopping the unit under typical operating
- 605 conditions;
- 606 (iii) an electric propulsion system with average power of one horsepower or 750
- 607 watts;
- 608 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

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

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

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

(a) has a single wheel;

(b) is powered by an electric motor that has a power output of not more than 750 watts;
and

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

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

~~[(23)]~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm
implement, for drawing plows, mowing machines, and other implements of husbandry.

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

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

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

(i) is designed for transportation by players on a golf course;

(ii) has not less than three wheels in contact with the ground;

(iii) has an unladen weight of less than 1,800 pounds;

(iv) is designed to operate at low speeds; and

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

(b) "Golf cart" does not include:

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

(ii) a motorized wheelchair;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

- 677 ~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section
678 53-1-102.
- 679 ~~[(36)]~~ (37) "Limited access highway" means a highway:
680 (a) that is designated specifically for through traffic; and
681 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
682 persons have any right or easement, or have only a limited right or easement of
683 access, light, air, or view.
- 684 ~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of
685 a county, municipal, or other local board or body having authority to enact laws relating
686 to traffic under the constitution and laws of the state.
- 687 ~~[(38)]~~ (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
688 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
689 (ii) has a capacity of not more than six passengers, including a conventional driver or
690 fallback-ready user if on board the vehicle, as those terms are defined in Section
691 41-26-102.1.
- 692 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 693 ~~[(39)]~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is
694 wholly or partly of metal or other hard nonresilient material.
- 695 ~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
696 seat or saddle that is less than 24 inches from the ground as measured on a level
697 surface with properly inflated tires.
- 698 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 699 (c) "Mini-motorcycle" does not include a motorcycle that is:
700 (i) designed for off-highway use; and
701 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 702 ~~[(41)]~~ (42) "Mobile home" means:
703 (a) a trailer or semitrailer that is:
704 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
705 place either permanently or temporarily; and
706 (ii) equipped for use as a conveyance on streets and highways; or
707 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
708 for use as a mobile home, as defined in Subsection ~~[(41)(a)]~~ (42)(a), but that is instead
709 used permanently or temporarily for:
710 (i) the advertising, sale, display, or promotion of merchandise or services; or

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

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

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

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

(ii) a motor that:

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

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

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

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

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

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

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

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

(iv) either:

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

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

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

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

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

(i) an electric assisted bicycle; or

(ii) a motor-driven cycle.

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

propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is

779 occupied or not.

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

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

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

785 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
786 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
787 violations of traffic laws.

788 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:

789 (a) on foot; or

790 (b) in a wheelchair.

791 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
792 pedestrians.

793 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
794 business trust, estate, trust, partnership, limited liability company, association, joint
795 venture, governmental agency, public corporation, or any other legal or commercial
796 entity.

797 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

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

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

804 ~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and
805 used for vehicular travel by the owner and those having express or implied permission
806 from the owner, but not by other persons.

807 ~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
808 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
809 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
810 electric assisted bicycle fully conforms with the respective requirements of each class of
811 electric assisted bicycle when operated in that mode.

812 ~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on

- 813 stationary rails.
- 814 [(62)] (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
815 public body or official or by a railroad and intended to give notice of the presence of
816 railroad tracks or the approach of a railroad train.
- 817 [(63)] (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
818 with or operated without cars, and operated upon rails.
- 819 [(64)] (65) "Restored-modified vehicle" means the same as the term defined in Section
820 41-1a-102.
- 821 [(65)] (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
822 lawful manner in preference to another vehicle or pedestrian approaching under
823 circumstances of direction, speed, and proximity that give rise to danger of collision
824 unless one grants precedence to the other.
- 825 [(66)] (67)(a) "Roadway" means that portion of highway improved, designed, or
826 ordinarily used for vehicular travel.
- 827 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
828 them are used by persons riding bicycles or other human-powered vehicles.
- 829 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
830 highway includes two or more separate roadways.
- 831 [(67)] (68) "Safety zone" means the area or space officially set apart within a roadway for
832 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
833 signs as to be plainly visible at all times while set apart as a safety zone.
- 834 [(68)] (69)(a) "School bus" means a motor vehicle that:
- 835 (i) complies with the color and identification requirements of the most recent edition
836 of "Minimum Standards for School Buses"; and
- 837 (ii) is used to transport school children to or from school or school activities.
- 838 (b) "School bus" does not include a vehicle operated by a common carrier in
839 transportation of school children to or from school or school activities.
- 840 (70) "Self-balancing electric skateboard" means a device similar to a skateboard that:
- 841 (a) has a single wheel;
- 842 (b) is powered by an electric motor; and
- 843 (c) is designed for the operator to face perpendicular to the direction of travel while
844 operating the device.
- 845 [(69)] (71)(a) "Semitrailer" means a vehicle with or without motive power:
- 846 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

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

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

851 ~~[(70)]~~ (72) "Shoulder area" means:

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

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

857 ~~[(71)]~~ (73) "Sidewalk" means that portion of a street between the curb lines, or the lateral
858 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

859 ~~[(72)]~~ (74)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
860 that is designated for the use of a bicycle.

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

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

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

866 ~~[(73)]~~ (75) "Solid rubber tire" means a tire of rubber or other resilient material that does not
867 depend on compressed air for the support of the load.

868 ~~[(74)]~~ (76) "Stand" or "standing" means the temporary halting of a vehicle, whether
869 occupied or not, for the purpose of and while actually engaged in receiving or
870 discharging passengers.

871 ~~[(75)]~~ (77) "Stop" when required means complete cessation from movement.

872 ~~[(76)]~~ (78) "Stop" or "stopping" when prohibited means any halting even momentarily of a
873 vehicle, whether occupied or not, except when:

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

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

876 ~~[(77)]~~ (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
877 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
878 the requirements of Section 41-6a-1509 to operate on highways in the state in
879 accordance with Section 41-6a-1509.

880 ~~[(78)]~~ (80) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under

881 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
882 operate on highways in the state in accordance with ~~[with]~~Section 41-6a-1509.

883 ~~[(79)]~~ (81) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
884 ~~[(80)]~~ (82) "Tow truck motor carrier" means the same as that term is defined in Section
885 72-9-102.

886 ~~[(81)]~~ (83) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
887 conveyances either singly or together while using any highway for the purpose of travel.

888 ~~[(82)]~~ (84) "Traffic signal preemption device" means an instrument or mechanism designed,
889 intended, or used to interfere with the operation or cycle of a traffic-control signal.

890 ~~[(83)]~~ (85) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
891 with this chapter placed or erected by a highway authority for the purpose of regulating,
892 warning, or guiding traffic.

893 ~~[(84)]~~ (86) "Traffic-control signal" means a device, whether manually, electrically, or
894 mechanically operated, by which traffic is alternately directed to stop and permitted to
895 proceed.

896 ~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for
897 carrying persons or property and for being drawn by a motor vehicle and constructed
898 so that no part of its weight rests upon the towing vehicle.

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

900 ~~[(86)]~~ (88) "Truck" means a motor vehicle designed, used, or maintained primarily for the
901 transportation of property.

902 ~~[(87)]~~ (89) "Truck tractor" means a motor vehicle:
903 (a) designed and used primarily for drawing other vehicles; and
904 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
905 tractor.

906 ~~[(88)]~~ (90) "Two-way left turn lane" means a lane:
907 (a) provided for vehicle operators making left turns in either direction;
908 (b) that is not used for passing, overtaking, or through travel; and
909 (c) that has been indicated by a lane traffic-control device that may include lane
910 markings.

911 ~~[(89)]~~ (91) "Urban district" means the territory contiguous to and including any street, in
912 which structures devoted to business, industry, or dwelling houses are situated at
913 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

914 ~~[(90)]~~ (92) "Vehicle" means a device in, on, or by which a person or property is or may be

transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

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

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

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

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

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

- (1) A person operating a vehicle on a divided highway shall use the right-hand roadway unless directed or permitted to use another roadway by a traffic-control device or a peace officer.
- (2) A person operating a vehicle may not operate the vehicle over, across, or within any dividing space, median, or barrier of a divided highway, except when:
 - (a) authorized by a traffic-control device or a peace officer; or
 - (b) operating a tow truck in response to a customer service call and the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.
- (3)(a) [A] Except as provided in Subsection (3)(b), a violation of this section is an infraction.
- (b) If the violation of this section occurred as part of a road rage event, as that term is defined in Section 41-1a-1101, a violation of this section is a class C misdemeanor.

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

41-6a-714 (Effective 05/07/25). Freeway and controlled-access highways --

Driving onto and from highways where permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 983 (a) on a highway consisting of a total of four or more lanes designated for regular
984 vehicular traffic, except when operating in a lane designated for bicycle traffic;
985 (b) on a highway with a posted speed limit greater than 35 miles per hour, except when
986 operating in a lane designated for bicycle traffic; or
987 (c) that has been structurally or mechanically altered from the original manufacturer's
988 design.
- 989 (4) An owner may not authorize or knowingly permit a person to operate an electric
990 personal assistive mobility device in violation of this section.
- 991 (5) A person may operate an electric personal assistive mobility device on a sidewalk if the
992 operation does not:
- 993 (a) exceed a speed which is greater than is reasonable or prudent having due regard for
994 weather, visibility, and pedestrians; or
995 (b) endanger the safety of other persons or property.
- 996 (6) A person operating an electric personal assistive mobility device shall yield to a
997 pedestrian or other person using a mobility aid.
- 998 (7)(a) An electric personal assistive mobility device may be operated on:
999 (i) a path or trail designed for the use of a bicycle; or
1000 (ii) on a highway where a bicycle is allowed~~[if the speed limit on the highway does~~
1001 ~~not exceed 35 miles per hour.]~~ , including any lane designated for bicycle traffic
1002 regardless of the posted speed limit or number of general purpose lanes.
- 1003 (b) A person operating an electric personal assistive mobility device in an area described
1004 in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.
- 1005 (8) A person may operate an electric personal assistive mobility device at night if the device
1006 is equipped with or the operator is wearing:
- 1007 (a) a lamp pointing to the front that emits a white light visible from a distance of not less
1008 than 300 feet in front of the device; and
1009 (b) front, rear, and side reflectors.
- 1010 (9) A person may not operate an electric personal assistive mobility device while carrying
1011 an article that prevents the person from keeping both hands on the handlebars or
1012 interferes with the person's ability to safely operate the electric personal assistive
1013 mobility device.
- 1014 (10) Only one person may operate an electric personal assistive mobility device at a time.
- 1015 (11) A person may not park an electric personal assistive mobility device on a highway or
1016 sidewalk in a manner that obstructs vehicular or pedestrian traffic.

1017 (12) A person who violates this section is guilty of an infraction.

1018 Section 11. Section **41-6a-1121** is enacted to read:

1019 **41-6a-1121** (Effective 05/07/25). **Electric unicycles.**

1020 (1)(a) Except as otherwise provided in this section, an electric unicycle is subject to the
1021 provisions under this chapter for a bicycle.

1022 (b) For a individual operating an electric unicycle, the following provisions do not apply:

1023 (i) seating positions and handle bar usage under Sections 41-6a-1112 and 41-6a-1501;

1024 (ii) required lights, horns, and mirrors under Section 41-6a-1506; and

1025 (iii) driver licensing requirements under Section 53-3-202.

1026 (c) A individual may operate an electric unicycle across a roadway in a crosswalk,
1027 except that the individual may not operate the electric unicycle in a negligent manner
1028 in the crosswalk:

1029 (i) so as to collide with a:

1030 (A) pedestrian; or

1031 (B) individual operating a bicycle, vehicle, or device propelled by human power;

1032 or

1033 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
1034 giving regard to the actual and potential hazards then existing.

1035 (2) A individual under eight years old may not operate an electric unicycle on any public
1036 property, highway, path, or sidewalk.

1037 (3) A individual may not operate an electric unicycle:

1038 (a) on public property posted as an area prohibiting bicycles;

1039 (b) while carrying more individuals at one time than the number for which the electric
1040 unicycle is designed;

1041 (c) that has been structurally or mechanically altered from the original manufacturer's
1042 design, except for an alteration by, or done at the request of, a individual who rents
1043 the electric unicycle to lower the maximum speed for the electric unicycle; or

1044 (d) at a speed of greater than 15 miles per hour or in violation of Subsection
1045 41-6a-1115.1(3).

1046 (4) An owner may not authorize or knowingly permit a individual under 18 years old to
1047 operate an electric unicycle in violation of this section.

1048 (5) A individual who violates this section is guilty of an infraction.

1049 Section 12. Section **41-6a-1122** is enacted to read:

1050 **41-6a-1122** (Effective 05/07/25). **Self-balancing electric skateboards.**

- 1051 (1)(a) Except as otherwise provided in this section, a self-balancing electric skateboard
1052 is subject to the provisions under this chapter for a bicycle.
- 1053 (b) A person may not operate a self-balancing electric skateboard on a roadway, except
1054 while operating in a lane designated for bicycle traffic.
- 1055 (c) For a person operating a self-balancing electric skateboard, the following provisions
1056 do not apply:
- 1057 (i) any reference to seating positions and handle bar usage, including under Sections
1058 41-6a-1112 and 41-6a-1501;
- 1059 (ii) required lights, horns, and mirrors under Section 41-6a-1506; and
1060 (iii) driver licensing requirements under Section 53-3-202.
- 1061 (d) A person may operate a self-balancing electric skateboard across a roadway in a
1062 crosswalk, except that the person may not operate the self-balancing electric
1063 skateboard in a negligent manner in the crosswalk:
- 1064 (i) so as to collide with a:
- 1065 (A) pedestrian; or
1066 (B) person operating a bicycle, vehicle, or device propelled by human power; or
1067 (ii) at a speed greater than is reasonable and prudent under the existing conditions,
1068 giving regard to the actual and potential hazards then existing.
- 1069 (2) A person under eight years old may not operate a self-balancing electric skateboard on
1070 any public property, highway, path, or sidewalk.
- 1071 (3) A person may not operate a self-balancing electric skateboard:
- 1072 (a) on public property posted as an area prohibiting bicycles;
1073 (b) while carrying more persons at one time than the number for which the
1074 self-balancing electric skateboard is designed;
- 1075 (c) that has been structurally or mechanically altered from the original manufacturer's
1076 design, except for an alteration by, or done at the request of, a person who rents the
1077 self-balancing electric skateboard to lower the maximum speed for the self-balancing
1078 electric skateboard; or
- 1079 (d) at a speed of greater than 15 miles per hour or in violation of Subsection
1080 41-6a-1115.1(3).
- 1081 (4) An owner may not authorize or knowingly permit a person under 18 years old to operate
1082 a self-balancing electric skateboard in violation of this section.
- 1083 (5) A person who violates this section is guilty of an infraction.
1084 Section 13. Section **41-6a-1642** is amended to read:

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

- (1) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard shall require:
- (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is exempt from emissions inspection and maintenance program requirements be presented:
- (i) as a condition of registration or renewal of registration; and
- (ii) at other times as the county legislative body may require to enforce inspection requirements for individual motor vehicles, except that the county legislative body may not routinely require a certificate of emissions inspection, or waiver of the certificate, more often than required under Subsection (9); and
- (b) compliance with this section for a motor vehicle registered or principally operated in the county and owned by or being used by a department, division, instrumentality, agency, or employee of:
- (i) the federal government;
- (ii) the state and any of its agencies; or
- (iii) a political subdivision of the state, including school districts.
- (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions 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;

- 1119 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
1120 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
1121 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
1122 emissions are mitigated in the state to a settlement, including:
1123 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,
1124 and 2016;
1125 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
1126 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
1127 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
1128 (E) Audi A8, model years 2014, 2015, and 2016;
1129 (F) Audi A8L, model years 2014, 2015, and 2016;
1130 (G) Audi Q5, model years 2014, 2015, and 2016; and
1131 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
1132 (b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain
1133 a motor vehicle emissions inspection and maintenance program certificate of
1134 emissions inspection as described in Subsection (1).
1135 (ii) A county emissions program may not refuse to perform an emissions inspection
1136 or indicate a failed emissions test of the vehicle based solely on a modification to
1137 the engine or component of the motor vehicle if:
1138 (A) the modification is not likely to result in the motor vehicle having increased
1139 emissions relative to the emissions of the motor vehicle before the
1140 modification; and
1141 (B) the motor vehicle modification is a change to an engine that is newer than the
1142 engine with which the motor vehicle was originally equipped, or the engine
1143 includes technology that increases the facility of the administration of an
1144 emissions test, such as an on-board diagnostics system.
1145 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite
1146 to registration of a restored-modified vehicle:
1147 (A) the owner shall present the signed statement described in Subsection
1148 41-1a-226(4); and
1149 (B) the county emissions program shall perform the emissions test.
1150 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
1151 certificate is notated as described in Subsection 41-1a-226(4), a county emissions
1152 program may not refuse to perform an emissions test based solely on the

- 1153 restored-modified status of the motor vehicle.
- 1154 (3)(a) The legislative body of a county identified in Subsection (1), in consultation with
1155 the Air Quality Board created under Section 19-1-106, shall make regulations or
1156 ordinances regarding:
- 1157 (i) emissions standards;
 - 1158 (ii) test procedures;
 - 1159 (iii) inspections stations;
 - 1160 (iv) repair requirements and dollar limits for correction of deficiencies; and
 - 1161 (v) certificates of emissions inspections.
- 1162 (b) In accordance with Subsection (3)(a), a county legislative body:
- 1163 (i) shall make regulations or ordinances to attain or maintain ambient air quality
1164 standards in the county, consistent with the state implementation plan and federal
1165 requirements;
 - 1166 (ii) may allow for a phase-in of the program by geographical area; and
 - 1167 (iii) shall comply with the analyzer design and certification requirements contained in
1168 the state implementation plan prepared under Title 19, Chapter 2, Air
1169 Conservation Act.
- 1170 (c) The county legislative body and the Air Quality Board shall give preference to an
1171 inspection and maintenance program that:
- 1172 (i) is decentralized, to the extent the decentralized program will attain and maintain
1173 ambient air quality standards and meet federal requirements;
 - 1174 (ii) is the most cost effective means to achieve and maintain the maximum benefit
1175 with regard to ambient air quality standards and to meet federal air quality
1176 requirements as related to vehicle emissions; and
 - 1177 (iii) provides a reasonable phase-out period for replacement of air pollution emission
1178 testing equipment made obsolete by the program.
- 1179 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 1180 (i) may be accomplished in accordance with applicable federal requirements; and
 - 1181 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
1182 quality standards.
- 1183 (4) The following vehicles are exempt from an emissions inspection program and the
1184 provisions of this section:
- 1185 (a) an implement of husbandry as defined in Section 41-1a-102;
 - 1186 (b) a motor vehicle that:

- 1187 (i) meets the definition of a farm truck under Section 41-1a-102; and
1188 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 1189 (c) a vintage vehicle as defined in Section 41-21-1:
1190 (i) if the vintage vehicle has a model year of 1982 or older; or
1191 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner
1192 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 1193 (d) a custom vehicle as defined in Section 41-6a-1507;
- 1194 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
- 1195 (f) to the extent allowed under the current federally approved state implementation plan,
1196 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
1197 vehicle that is less than two years old on January 1 based on the age of the vehicle as
1198 determined by the model year identified by the manufacturer;
- 1199 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of
1200 12,000 pounds or less, if the registered owner of the pickup truck provides a signed
1201 statement to the legislative body stating the truck is used:
1202 (i) by the owner or operator of a farm located on property that qualifies as land in
1203 agricultural use under Sections 59-2-502 and 59-2-503; and
1204 (ii) exclusively for the following purposes in operating the farm:
1205 (A) for the transportation of farm products, including livestock and its products,
1206 poultry and its products, floricultural and horticultural products; and
1207 (B) in the transportation of farm supplies, including tile, fence, and every other
1208 thing or commodity used in agricultural, floricultural, horticultural, livestock,
1209 and poultry production and maintenance;
- 1210 (h) a motorcycle as defined in Section 41-1a-102;
- 1211 (i) an electric motor vehicle as defined in Section 41-1a-102;
- 1212 (j) a motor vehicle with a model year of 1967 or older; and
- 1213 (k) a roadable aircraft as defined in Section 72-10-102.
- 1214 (5) The county shall issue to the registered owner who signs and submits a signed statement
1215 under Subsection (4)(g) a certificate of exemption from emissions inspection
1216 requirements for purposes of registering the exempt vehicle.
- 1217 (6) A legislative body of a county described in Subsection (1) may exempt from an
1218 emissions inspection program a diesel-powered motor vehicle with a:
1219 (a) gross vehicle weight rating of more than 14,000 pounds; or
1220 (b) model year of 1997 or older.

- 1221 (7) The legislative body of a county required under federal law to utilize a motor vehicle
1222 emissions inspection program shall require:
- 1223 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 1224 (i) a model year of 2007 or newer;
- 1225 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
- 1226 (iii) a model year that is five years old or older; and
- 1227 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 1228 (i) with a gross vehicle weight rating of 14,000 pounds or less;
- 1229 (ii) that has a model year of 1998 or newer; and
- 1230 (iii) that has a model year that is five years old or older.
- 1231 (8)(a) Subject to Subsection (8)(c), the legislative body of each county required under
1232 federal law to utilize a motor vehicle emissions inspection and maintenance program
1233 or in which an emissions inspection and maintenance program is necessary to attain
1234 or maintain any national ambient air quality standard may require each college or
1235 university located in a county subject to this section to require its students and
1236 employees who park a motor vehicle not registered in a county subject to this section
1237 to provide proof of compliance with an emissions inspection accepted by the county
1238 legislative body if the motor vehicle is parked on the college or university campus or
1239 property.
- 1240 (b) College or university parking areas that are metered or for which payment is required
1241 per use are not subject to the requirements of this Subsection (8).
- 1242 (c) The legislative body of a county shall make the reasons for implementing the
1243 provisions of this Subsection (8) part of the record at the time that the county
1244 legislative body takes its official action to implement the provisions of this
1245 Subsection (8).
- 1246 (9)(a) An emissions inspection station shall issue a certificate of emissions inspection for
1247 each motor vehicle that meets the inspection and maintenance program requirements
1248 established in regulations or ordinances made under Subsection (3).
- 1249 (b) The frequency of the emissions inspection shall be determined based on the age of
1250 the vehicle as determined by model year and shall be required annually subject to the
1251 provisions of Subsection (9)(c).
- 1252 (c)(i) To the extent allowed under the current federally approved state
1253 implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec.
1254 7401 et seq., the legislative body of a county identified in Subsection (1) shall

- only require the emissions inspection every two years for each vehicle.
- (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
- (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.
- (iv) If a county legislative body establishes or changes the frequency of a vehicle emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment or change shall take effect on January 1 if the State Tax Commission receives notice meeting the requirements of Subsection (9)(c)(v) from the county before October 1.
- (v) The notice described in Subsection (9)(c)(iv) shall:
- (A) state that the county will establish or change the frequency of the vehicle emissions inspection and maintenance program under this section;
 - (B) include a copy of the ordinance establishing or changing the frequency; and
 - (C) if the county establishes or changes the frequency under this section, state how frequently the emissions testing will be required.
- (d) If an emissions inspection is only required every two years for a vehicle under Subsection (9)(c), the inspection shall be required for the vehicle in:
- (i) odd-numbered years for vehicles with odd-numbered model years; or
 - (ii) in even-numbered years for vehicles with even-numbered model years.
- (10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection required under this section may be made no more than two months before the renewal of registration.
- (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to satisfy the requirement under this section.
- (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle dealer's name during the previous 11 months to

- 1289 satisfy the requirement under this section.
- 1290 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the
1291 lessee may use an emissions inspection certificate issued during the previous 11
1292 months to satisfy the requirement under this section.
- 1293 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use
1294 an emissions inspection made more than 11 months before the renewal of registration
1295 to satisfy the requirement under this section.
- 1296 (e) If the application for renewal of registration is for a six-month registration period
1297 under Section 41-1a-215.5, the owner may use an emissions inspection certificate
1298 issued during the previous eight months to satisfy the requirement under this section.
- 1299 (11)(a) A county identified in Subsection (1) shall collect information about and monitor
1300 the program.
- 1301 (b) A county identified in Subsection (1) shall supply this information to~~[-an appropriate~~
1302 ~~legislative committee, as designated by the Legislative Management Committee,~~
1303 ~~at times determined by the designated committee-]~~ the Transportation Interim
1304 Committee to identify program needs, including funding needs.
- 1305 (12) If approved by the county legislative body, a county that had an established emissions
1306 inspection fee as of January 1, 2002, may increase the established fee that an emissions
1307 inspection station may charge by \$2.50 for each year that is exempted from emissions
1308 inspections under Subsection (9)(c) up to a \$7.50 increase.
- 1309 (13)(a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in
1310 Subsection (1) may impose a local emissions compliance fee on each motor vehicle
1311 registration within the county in accordance with the procedures and requirements of
1312 Section 41-1a-1223.
- 1313 (b) A county that imposes a local emissions compliance fee may use revenues generated
1314 from the fee for the establishment and enforcement of an emissions inspection and
1315 maintenance program in accordance with the requirements of this section.
- 1316 (c) A county that imposes a local emissions compliance fee may use revenues generated
1317 from the fee to promote programs to maintain a local, state, or national ambient air
1318 quality standard.
- 1319 (14)(a) If a county has reason to believe that a vehicle owner has provided an address as
1320 required in Section 41-1a-209 to register or attempt to register a motor vehicle in a
1321 county other than the county of the bona fide residence of the owner in order to avoid
1322 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 14. 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:

- 1357 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
1358 (B) replacement and upgrade of search and rescue equipment;
1359 (C) training of search and rescue volunteers;
1360 (D) costs of providing life insurance and workers' compensation benefits for
1361 volunteer search and rescue team members under Section 67-20-7.5; and
1362 (E) any other equipment or expenses necessary or appropriate for conducting
1363 search and rescue activities.
- 1364 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1365 individual on a regular or permanent payroll, including permanent part-time
1366 employees of any agency of the state.
- 1367 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1368 (2) There is created the Search and Rescue Financial Assistance Program within the
1369 division.
- 1370 (3)(a) The financial program and the assistance card program shall be funded from the
1371 following revenue sources:
- 1372 (i) any voluntary contributions to the state received for search and rescue operations;
1373 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,
1374 41-22-34, and 73-18-24;
1375 (iii) money deposited under Subsection [~~59-12-103(13)~~] 59-12-103(12);
1376 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
1377 (v) appropriations made to the program by the Legislature.
- 1378 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
1379 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1380 General Fund as a dedicated credit to be used solely for the program.
- 1381 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1382 the General Fund as a dedicated credit to be used solely to promote the assistance
1383 card program.
- 1384 (d) Funding for the program is nonlapsing.
- 1385 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
1386 section to reimburse counties for all or a portion of each county's reimbursable base
1387 expenses for search and rescue operations, subject to:
- 1388 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1389 53-2a-1104;
1390 (b) money available in the program; and

- 1391 (c) rules made under Subsection (7).
- 1392 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel
1393 costs or paid man hours spent in emergency response and search and rescue related
1394 activities.
- 1395 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1396 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
1397 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1398 and consistent with this section:
- 1399 (a) specifying the costs that qualify as reimbursable base expenses;
- 1400 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1401 (c) defining a participant in the assistance card program, including:
- 1402 (i) individuals; and
- 1403 (ii) families and organized groups who qualify as participants;
- 1404 (d) defining the procedure for issuing a card to a participant;
- 1405 (e) defining excluded expenses that may not be reimbursed under the program, including
1406 medical expenses;
- 1407 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1408 Program;
- 1409 (g) establishing the frequency of review of the fee schedule;
- 1410 (h) providing for the administration of the program; and
- 1411 (i) providing a formula to govern the distribution of available money among the counties
1412 for uncompensated search and rescue expenses based on:
- 1413 (i) the total qualifying expenses submitted;
- 1414 (ii) the number of search and rescue incidents per county population;
- 1415 (iii) the number of victims that reside outside the county; and
- 1416 (iv) the number of volunteer hours spent in each county in emergency response and
1417 search and rescue related activities per county population.
- 1418 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1419 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1420 under Subsection 63J-1-504(7).
- 1421 (b) The division shall provide a discount of not less than 10% of the card fee under
1422 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1423 or 73-18-24 during the same calendar year in which the person applies to be a
1424 participant in the assistance card program.

1425 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
 1426 the rescue of an individual, if the individual is a current participant in the Utah Search
 1427 and Rescue Assistance Card Program at the time of rescue, unless:

1428 (a) the rescuing county finds that the participant acted recklessly in creating a situation
 1429 resulting in the need for the county to provide rescue services; or

1430 (b) the rescuing county finds that the participant intentionally created a situation
 1431 resulting in the need for the county to provide rescue services.

1432 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
 1433 program is located within the division.

1434 (b) The program may not be used to cover any expenses, such as medically related
 1435 expenses, that are not reimbursable base expenses related to the rescue.

1436 (11)(a) To participate in the program, a person shall purchase a search and rescue
 1437 assistance card from the division by paying the fee as determined by the division in
 1438 Subsection (8).

1439 (b) The money generated by the fees shall be deposited into the General Fund as a
 1440 dedicated credit for the Search and Rescue Financial Assistance Program created in
 1441 this section.

1442 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,
 1443 and 73-18-24 do not constitute purchase of a card under this section.

1444 (12) The division shall consult with the Division of Outdoor Recreation regarding:

1445 (a) administration of the assistance card program; and

1446 (b) outreach and marketing strategies.

1447 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card
 1448 Program under this section is exempt from being considered insurance as that term is
 1449 defined in Section 31A-1-301.

1450 Section 15. Section **53-2d-101** is amended to read:

1451 **53-2d-101 (Effective 05/07/25). Definitions.**

1452 As used in this chapter:

1453 (1)(a)[(a)] (i) "911 ambulance or paramedic services" means:

1454 [(i)] (A) either:

1455 [(A)] (I) 911 ambulance service;

1456 [(B)] (II) 911 paramedic service; or

1457 [(C)] (III) both 911 ambulance and paramedic service; and

1458 [(ii)] (B) a response to a 911 call received by a designated dispatch center that

1459 receives 911 or E911 calls.

1460 ~~[(b)]~~ (ii) "911 ambulance or paramedic services" does not mean a seven or 10 digit
1461 telephone call received directly by an ambulance provider licensed under this
1462 chapter.

1463 (2) "Air ambulance" means an ambulance that operates through air flight.

1464 (3) "Air ambulance provider" means an ambulance provider that provides emergency
1465 medical services using an air ambulance.

1466 ~~[(2)]~~ (4) "Ambulance" means a ground, air, or water vehicle that:

1467 (a) transports patients and is used to provide emergency medical services; and

1468 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

1469 ~~[(3)]~~ (5) "Ambulance provider" means an emergency medical service provider that:

1470 (a) transports and provides emergency medical care to patients; and

1471 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1472 ~~[(4)]~~ (6) "Automatic external defibrillator" or "AED" means an automated or automatic
1473 computerized medical device that:

1474 (a) has received pre-market notification approval from the United States Food and Drug
1475 Administration, pursuant to 21 U.S.C. Sec. 360(k);

1476 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid
1477 ventricular tachycardia;

1478 (c) is capable of determining, without intervention by an operator, whether defibrillation
1479 should be performed; and

1480 (d) upon determining that defibrillation should be performed, automatically charges,
1481 enabling delivery of, or automatically delivers, an electrical impulse through the
1482 chest wall and to an individual's heart.

1483 ~~[(5)]~~ (7)(a) "Behavioral emergency services" means delivering a behavioral health
1484 intervention to a patient in an emergency context within a scope and in accordance
1485 with guidelines established by the department.

1486 (b) "Behavioral emergency services" does not include engaging in the:

1487 (i) practice of mental health therapy as defined in Section 58-60-102;

1488 (ii) practice of psychology as defined in Section 58-61-102;

1489 (iii) practice of clinical social work as defined in Section 58-60-202;

1490 (iv) practice of certified social work as defined in Section 58-60-202;

1491 (v) practice of marriage and family therapy as defined in Section 58-60-302;

1492 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or

- 1493 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.
- 1494 ~~[(6)]~~ (8) "Bureau" means the Bureau of Emergency Medical Services created in Section
- 1495 53-2d-102.
- 1496 ~~[(7)]~~ (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external
- 1497 chest compression applied to a person who is unresponsive and not breathing.
- 1498 ~~[(8)]~~ (10) "Committee" means the Trauma System and Emergency Medical Services
- 1499 Committee created by Section 53-2d-104.
- 1500 ~~[(9)]~~ (11) "Community paramedicine" means medical care:
- 1501 (a) provided by emergency medical service personnel; and
- 1502 (b) provided to a patient who is not:
- 1503 (i) in need of ambulance transportation; or
- 1504 (ii) located in a health care facility as defined in Section 26B-2-201.
- 1505 ~~[(10)]~~ (12) "Direct medical observation" means in-person observation of a patient by a
- 1506 physician, registered nurse, physician's assistant, or individual licensed under Section
- 1507 26B-4-116.
- 1508 ~~[(11)]~~ (13) "Emergency medical condition" means:
- 1509 (a) a medical condition that manifests itself by symptoms of sufficient severity,
- 1510 including severe pain, that a prudent layperson, who possesses an average knowledge
- 1511 of health and medicine, could reasonably expect the absence of immediate medical
- 1512 attention to result in:
- 1513 (i) placing the individual's health in serious jeopardy;
- 1514 (ii) serious impairment to bodily functions; or
- 1515 (iii) serious dysfunction of any bodily organ or part; or
- 1516 (b) a medical condition that in the opinion of a physician or the physician's designee
- 1517 requires direct medical observation during transport or may require the intervention
- 1518 of an individual licensed under Section 53-2d-402 during transport.
- 1519 ~~[(12)]~~ (14) "Emergency medical dispatch center" means a public safety answering point, as
- 1520 defined in Section 63H-7a-103, that is designated as an emergency medical dispatch
- 1521 center by the bureau.
- 1522 ~~[(13)]~~ (15)(a) "Emergency medical service personnel" means an individual who provides
- 1523 emergency medical services or behavioral emergency services to a patient and is
- 1524 required to be licensed or certified under Section 53-2d-402.
- 1525 (b) "Emergency medical service personnel" includes a paramedic, medical director of a
- 1526 licensed emergency medical service provider, emergency medical service instructor,

- 1527 behavioral emergency services technician, other categories established by the
1528 committee, and a certified emergency medical dispatcher.
- 1529 ~~[(14)]~~ (16) "Emergency medical service providers" means:
- 1530 (a) licensed ambulance providers and paramedic providers;
- 1531 (b) a facility or provider that is required to be designated under Subsection 53-2d-403
1532 (1)(a); and
- 1533 (c) emergency medical service personnel.
- 1534 ~~[(15)]~~ (17) "Emergency medical services" means:
- 1535 (a) medical services;
- 1536 (b) transportation services;
- 1537 (c) behavioral emergency services; or
- 1538 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).
- 1539 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1540 (a) maintained and used for the transportation of emergency medical personnel,
1541 equipment, and supplies to the scene of a medical emergency; and
- 1542 (b) required to be permitted under Section 53-2d-404.
- 1543 ~~[(17)]~~ (19) "Governing body":
- 1544 (a) means the same as that term is defined in Section 11-42-102; and
- 1545 (b) for purposes of a "special service district" under Section 11-42-102, means a special
1546 service district that has been delegated the authority to select a provider under this
1547 chapter by the special service district's legislative body or administrative control
1548 board.
- 1549 ~~[(18)]~~ (20) "Interested party" means:
- 1550 (a) a licensed or designated emergency medical services provider that provides
1551 emergency medical services within or in an area that abuts an exclusive geographic
1552 service area that is the subject of an application submitted pursuant to Part 5,
1553 Ambulance and Paramedic Providers;
- 1554 (b) any municipality, county, or fire district that lies within or abuts a geographic service
1555 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
1556 Paramedic Providers; or
- 1557 (c) the department when acting in the interest of the public.
- 1558 ~~[(19)]~~ (21) "Level of service" means the level at which an ambulance provider type of
1559 service is licensed as:
- 1560 (a) emergency medical technician;

- 1561 (b) advanced emergency medical technician; or
1562 (c) paramedic.
- 1563 ~~[(20)]~~ (22) "Medical control" means a person who provides medical supervision to an
1564 emergency medical service provider.
- 1565 ~~[(21)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport under
1566 Subsection (1).
- 1567 ~~[(22)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:
1568 (a) provides nonemergency secure transportation services for an individual who:
1569 (i) is not required to be transported by an ambulance under Section 53-2d-405; and
1570 (ii) requires behavioral health observation during transport between any of the
1571 following facilities:
1572 (A) a licensed acute care hospital;
1573 (B) an emergency patient receiving facility;
1574 (C) a licensed mental health facility; and
1575 (D) the office of a licensed health care provider; and
1576 (b) is required to be designated under Section 53-2d-403.
- 1577 ~~[(23)]~~ (25) "Paramedic provider" means an entity that:
1578 (a) employs emergency medical service personnel; and
1579 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.
- 1580 ~~[(24)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral
1581 emergency condition, meets any of the criteria in Section 26B-4-119.
- 1582 ~~[(25)]~~ (27) "Political subdivision" means:
1583 (a) a city or town;
1584 (b) a county;
1585 (c) a special service district created under Title 17D, Chapter 1, Special Service District
1586 Act, for the purpose of providing fire protection services under Subsection 17D-1-201
1587 (9);
1588 (d) a special district created under Title 17B, Limited Purpose Local Government
1589 Entities - Special Districts, for the purpose of providing fire protection, paramedic,
1590 and emergency services;
1591 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or
1592 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.
- 1593 ~~[(26)]~~ (28) "Sudden cardiac arrest" means a life-threatening condition that results when a
1594 person's heart stops or fails to produce a pulse.

1595 [(27)] (29) "Trauma" means an injury requiring immediate medical or surgical intervention.

1596 [(28)] (30) "Trauma system" means a single, statewide system that:

1597 (a) organizes and coordinates the delivery of trauma care within defined geographic
1598 areas from the time of injury through transport and rehabilitative care; and

1599 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in
1600 delivering care for trauma patients, regardless of severity.

1601 [(29)] (31) "Triage" means the sorting of patients in terms of disposition, destination, or
1602 priority. For prehospital trauma victims, triage requires a determination of injury
1603 severity to assess the appropriate level of care according to established patient care
1604 protocols.

1605 [(30)] (32) "Triage, treatment, transportation, and transfer guidelines" means written
1606 procedures that:

1607 (a) direct the care of patients; and

1608 (b) are adopted by the medical staff of an emergency patient receiving facility, trauma
1609 center, or an emergency medical service provider.

1610 [(31)] (33) "Type of service" means the category at which an ambulance provider is licensed
1611 as:

1612 (a) ground ambulance transport;

1613 (b) ground ambulance interfacility transport; or

1614 (c) both ground ambulance transport and ground ambulance interfacility transport.

1615 Section 16. Section **53-2d-517** is enacted to read:

1616 **53-2d-517 (Effective 05/07/25). Air ambulance requirements.**

1617 (1) An air ambulance provider shall provide to an emergency medical dispatch center the
1618 real-time location of the air ambulance using a location transponder.

1619 (2) An emergency medical dispatch center shall dispatch an air ambulance that the
1620 emergency medical dispatch center determines:

1621 (a) is nearest to the location requiring emergency medical services;

1622 (b) is readily available; and

1623 (c) is the most appropriate air ambulance provider for the particular emergency
1624 circumstance based on the needs of the patient and the capabilities of the air
1625 ambulance provider.

1626 (3) An air ambulance that is currently transporting a patient may not:

1627 (a) be dispatched for a different emergency medical situation; or

1628 (b) deviate from the current emergency service and patient to respond to a different

1629 emergency medical dispatch communication.

1630 Section 17. Section **59-12-103** is amended to read:

1631 **59-12-103 (Effective 05/07/25). Sales and use tax base -- Rates -- Effective dates**
1632 **-- Use of sales and use tax revenue.**

1633 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales
1634 price for amounts paid or charged for the following transactions:

1635 (a) retail sales of tangible personal property made within the state;

1636 (b) amounts paid for:

1637 (i) telecommunications service, other than mobile telecommunications service, that
1638 originates and terminates within the boundaries of this state;

1639 (ii) mobile telecommunications service that originates and terminates within the
1640 boundaries of one state only to the extent permitted by the Mobile

1641 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1642 (iii) an ancillary service associated with a:

1643 (A) telecommunications service described in Subsection (1)(b)(i); or

1644 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1645 (c) sales of the following for commercial use:

1646 (i) gas;

1647 (ii) electricity;

1648 (iii) heat;

1649 (iv) coal;

1650 (v) fuel oil; or

1651 (vi) other fuels;

1652 (d) sales of the following for residential use:

1653 (i) gas;

1654 (ii) electricity;

1655 (iii) heat;

1656 (iv) coal;

1657 (v) fuel oil; or

1658 (vi) other fuels;

1659 (e) sales of prepared food;

1660 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
1661 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
1662 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,

menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

(g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

(i) the tangible personal property; and

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

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

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

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

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

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

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

(i) stored;

(ii) used; or

(iii) otherwise consumed;

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

(i) stored;

(ii) used; or

(iii) consumed;

(m) amounts paid or charged for a sale:

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

- (B) of a repair or renovation of a product transferred electronically; and
- (ii) regardless of whether the sale provides:
 - (A) a right of permanent use of the product; or
 - (B) a right to use the product that is less than a permanent use, including a right:
 - (I) for a definite or specified length of time; and
 - (II) that terminates upon the occurrence of a condition; and
- (n) sales of leased tangible personal property from the lessor to the lessee made in the state.

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

- (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
 - (A) 4.70% plus the rate specified in Subsection (11)(a); and
 - (B)(I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
 - (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

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

- (i) a state tax imposed on the transaction at a tax rate of 2%; and
- (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

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

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

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

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

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

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

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

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

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

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

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

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

- (v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.
- (vi) A car-sharing program shall:
- (A) retain tax information for each car-sharing program transaction; and
 - (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.
- (f)(i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:
- (A) a state tax imposed on the entire bundled transaction equal to the sum of:
 - (I) the tax rate described in Subsection (2)(a)(i)(A); and
 - (II)(Aa) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
 - (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
 - (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).
- (ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.
- (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- (A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation

- 1799 under this chapter unless:
- 1800 (I) the seller is able to identify by reasonable and verifiable standards the
- 1801 tangible personal property, product, or service that is not subject to taxation
- 1802 under this chapter from the books and records the seller keeps in the seller's
- 1803 regular course of business; or
- 1804 (II) state or federal law provides otherwise; or
- 1805 (B) if the sales price of a bundled transaction is attributable to two or more items
- 1806 of tangible personal property, products, or services that are subject to taxation
- 1807 under this chapter at different rates, the entire bundled transaction is subject to
- 1808 taxation under this chapter at the higher tax rate unless:
- 1809 (I) the seller is able to identify by reasonable and verifiable standards the
- 1810 tangible personal property, product, or service that is subject to taxation
- 1811 under this chapter at the lower tax rate from the books and records the seller
- 1812 keeps in the seller's regular course of business; or
- 1813 (II) state or federal law provides otherwise.
- 1814 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
- 1815 seller's regular course of business includes books and records the seller keeps in
- 1816 the regular course of business for nontax purposes.
- 1817 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
- 1818 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
- 1819 personal property, a product, or a service that is subject to taxation under this
- 1820 chapter, and the sale, lease, or rental of tangible personal property, other property,
- 1821 a product, or a service that is not subject to taxation under this chapter, the entire
- 1822 transaction is subject to taxation under this chapter unless the seller, at the time of
- 1823 the transaction:
- 1824 (A) separately states the portion of the transaction that is not subject to taxation
- 1825 under this chapter on an invoice, bill of sale, or similar document provided to
- 1826 the purchaser; or
- 1827 (B) is able to identify by reasonable and verifiable standards, from the books and
- 1828 records the seller keeps in the seller's regular course of business, the portion of
- 1829 the transaction that is not subject to taxation under this chapter.
- 1830 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1831 (A) after the transaction occurs, the purchaser and the seller discover that the
- 1832 portion of the transaction that is not subject to taxation under this chapter was

1833 not separately stated on an invoice, bill of sale, or similar document provided
1834 to the purchaser because of an error or ignorance of the law; and
1835 (B) the seller is able to identify by reasonable and verifiable standards, from the
1836 books and records the seller keeps in the seller's regular course of business, the
1837 portion of the transaction that is not subject to taxation under this chapter.
1838 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
1839 keeps in the seller's regular course of business includes books and records the
1840 seller keeps in the regular course of business for nontax purposes.

1841 (h)(i) If the sales price of a transaction is attributable to two or more items of tangible
1842 personal property, products, or services that are subject to taxation under this
1843 chapter at different rates, the entire purchase is subject to taxation under this
1844 chapter at the higher tax rate unless the seller, at the time of the transaction:

1845 (A) separately states the items subject to taxation under this chapter at each of the
1846 different rates on an invoice, bill of sale, or similar document provided to the
1847 purchaser; or
1848 (B) is able to identify by reasonable and verifiable standards the tangible personal
1849 property, product, or service that is subject to taxation under this chapter at the
1850 lower tax rate from the books and records the seller keeps in the seller's regular
1851 course of business.

1852 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1853 seller's regular course of business includes books and records the seller keeps in
1854 the regular course of business for nontax purposes.

1855 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
1856 imposed under the following shall take effect on the first day of a calendar quarter:

1857 (i) Subsection (2)(a)(i)(A);
1858 (ii) Subsection (2)(b)(i);
1859 (iii) Subsection (2)(c)(i); or
1860 (iv) Subsection (2)(f)(i)(A)(I).

1861 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
1862 begins on or after the effective date of the tax rate increase if the billing period for
1863 the transaction begins before the effective date of a tax rate increase imposed
1864 under:

1865 (A) Subsection (2)(a)(i)(A);
1866 (B) Subsection (2)(b)(i);

- 1867 (C) Subsection (2)(c)(i); or
1868 (D) Subsection (2)(f)(i)(A)(I).
- 1869 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1870 statement for the billing period is rendered on or after the effective date of the
1871 repeal of the tax or the tax rate decrease imposed under:
1872 (A) Subsection (2)(a)(i)(A);
1873 (B) Subsection (2)(b)(i);
1874 (C) Subsection (2)(c)(i); or
1875 (D) Subsection (2)(f)(i)(A)(I).
- 1876 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
1877 is computed on the basis of sales and use tax rates published in the catalogue, a
1878 tax rate repeal or change in a tax rate takes effect:
1879 (A) on the first day of a calendar quarter; and
1880 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
1881 change.
- 1882 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
1883 (A) Subsection (2)(a)(i)(A);
1884 (B) Subsection (2)(b)(i);
1885 (C) Subsection (2)(c)(i); or
1886 (D) Subsection (2)(f)(i)(A)(I).
- 1887 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1888 the commission may by rule define the term "catalogue sale."
- 1889 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine
1890 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel
1891 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other
1892 fuel at the location.
- 1893 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
1894 or other fuel is furnished through a single meter for two or more of the following
1895 uses:
1896 (A) a commercial use;
1897 (B) an industrial use; or
1898 (C) a residential use.
- 1899 (3)(a) The following state taxes shall be deposited into the General Fund:
1900 (i) the tax imposed by Subsection (2)(a)(i)(A);

- 1901 (ii) the tax imposed by Subsection (2)(b)(i);
 1902 (iii) the tax imposed by Subsection (2)(c)(i); and
 1903 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1904 (b) The following local taxes shall be distributed to a county, city, or town as provided
 1905 in this chapter:
- 1906 (i) the tax imposed by Subsection (2)(a)(ii);
 1907 (ii) the tax imposed by Subsection (2)(b)(ii);
 1908 (iii) the tax imposed by Subsection (2)(c)(ii); and
 1909 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1910 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1911 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1912 2003, the lesser of the following amounts shall be expended as provided in
 1913 Subsections (4)(b) through (g):
- 1914 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 1915 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 1916 (B) for the fiscal year; or
 1917 (ii) \$17,500,000.
- 1918 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
 1919 described in Subsection (4)(a) shall be transferred each year as designated sales
 1920 and use tax revenue to the Division of Wildlife Resources to:
- 1921 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
 1922 (d) to protect sensitive plant and animal species; or
 1923 (B) award grants, up to the amount authorized by the Legislature in an
 1924 appropriations act, to political subdivisions of the state to implement the
 1925 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
 1926 sensitive plant and animal species.
- 1927 (ii) Money transferred to the Division of Wildlife Resources under Subsection
 1928 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or
 1929 any other person to list or attempt to have listed a species as threatened or
 1930 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et
 1931 seq.
- 1932 (iii) At the end of each fiscal year:
- 1933 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
 1934 the Water Resources Conservation and Development Fund created in Section

- 1935 73-10-24;
- 1936 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1937 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1938 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1939 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1940 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
- 1941 Subsection (4)(a) shall be deposited each year in the Agriculture Resource
- 1942 Development Fund created in Section 4-18-106.
- 1943 (d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount
- 1944 described in Subsection (4)(a) shall be transferred each year as designated sales
- 1945 and use tax revenue to the Division of Water Rights to cover the costs incurred in
- 1946 hiring legal and technical staff for the adjudication of water rights.
- 1947 (ii) At the end of each fiscal year:
- 1948 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to
- 1949 the Water Resources Conservation and Development Fund created in Section
- 1950 73-10-24;
- 1951 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1952 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1953 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
- 1954 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1955 (e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount
- 1956 described in Subsection (4)(a) shall be deposited into the Water Resources
- 1957 Conservation and Development Fund created in Section 73-10-24 for use by the
- 1958 Division of Water Resources.
- 1959 (ii) In addition to the uses allowed of the Water Resources Conservation and
- 1960 Development Fund under Section 73-10-24, the Water Resources Conservation
- 1961 and Development Fund may also be used to:
- 1962 (A) conduct hydrologic and geotechnical investigations by the Division of Water
- 1963 Resources in a cooperative effort with other state, federal, or local entities, for
- 1964 the purpose of quantifying surface and ground water resources and describing
- 1965 the hydrologic systems of an area in sufficient detail so as to enable local and
- 1966 state resource managers to plan for and accommodate growth in water use
- 1967 without jeopardizing the resource;
- 1968 (B) fund state required dam safety improvements; and

1969 (C) protect the state's interest in interstate water compact allocations, including the
 1970 hiring of technical and legal staff.

1971 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in
 1972 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program
 1973 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund
 1974 wastewater projects.

1975 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
 1976 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program
 1977 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
 1978 (i) provide for the installation and repair of collection, treatment, storage, and
 1979 distribution facilities for any public water system, as defined in Section 19-4-102;
 1980 (ii) develop underground sources of water, including springs and wells; and
 1981 (iii) develop surface water sources.

1982 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
 1983 2006, the difference between the following amounts shall be expended as provided in
 1984 this Subsection (5), if that difference is greater than \$1:

1985 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for
 1986 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);
 1987 and
 1988 (ii) \$17,500,000.

1989 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
 1990 (A) transferred each fiscal year to the Department of Natural Resources as
 1991 designated sales and use tax revenue; and
 1992 (B) expended by the Department of Natural Resources for watershed rehabilitation
 1993 or restoration.

1994 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
 1995 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
 1996 Conservation and Development Fund created in Section 73-10-24.

1997 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
 1998 remaining difference described in Subsection (5)(a) shall be:
 1999 (A) transferred each fiscal year to the Division of Water Resources as designated
 2000 sales and use tax revenue; and
 2001 (B) expended by the Division of Water Resources for cloud-seeding projects
 2002 authorized by Title 73, Chapter 15, Modification of Weather.

- 2003 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
 2004 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
 2005 Conservation and Development Fund created in Section 73-10-24.
- 2006 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
 2007 remaining difference described in Subsection (5)(a) shall be deposited into the Water
 2008 Resources Conservation and Development Fund created in Section 73-10-24 for use
 2009 by the Division of Water Resources for:
- 2010 (i) preconstruction costs:
- 2011 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
 2012 Chapter 26, Bear River Development Act; and
- 2013 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
 2014 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 2015 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
 2016 73, Chapter 26, Bear River Development Act;
- 2017 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
 2018 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
 2019 Act; and
- 2020 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
 2021 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
 2022 through (iii).
- 2023 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
 2024 remaining difference described in Subsection (5)(a) shall be deposited each year into
 2025 the Water Rights Restricted Account created by Section 73-2-1.6.
- 2026 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
 2027 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
 2028 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
 2029 rate on the transactions described in Subsection (1) for the fiscal year.
- 2030 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),
 2031 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into
 2032 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
 2033 the taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from
 2034 the following sales and use taxes:
- 2035 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 2036 (ii) the tax imposed by Subsection (2)(b)(i);

- 2037 (iii) the tax imposed by Subsection (2)(c)(i); and
2038 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2039 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
2040 annually reduce the deposit under Subsection (7)(a) into the Transportation
2041 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
2042 from the following sales and use taxes:
- 2043 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
2044 (B) the tax imposed by Subsection (2)(b)(i);
2045 (C) the tax imposed by Subsection (2)(c)(i); and
2046 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 2047 (ii) The commission shall annually deposit the amount described in Subsection
2048 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
2049 Section 72-2-124.
- 2050 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
2051 2023, the commission shall annually reduce the deposit into the Transportation
2052 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
2053 equal to 5% of:
- 2054 (A) the amount of revenue generated in the current fiscal year by the portion of
2055 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
2056 collected from taxes described in Subsections (7)(a)(i) through (iv);
2057 (B) the amount of revenue generated in the current fiscal year by registration fees
2058 designated under Section 41-1a-1201 to be deposited into the Transportation
2059 Investment Fund of 2005; and
2060 (C) revenue transferred by the Division of Finance to the Transportation
2061 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
2062 fiscal year.
- 2063 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
2064 given fiscal year.
- 2065 (iii) The commission shall annually deposit the amount described in Subsection
2066 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
2067 72-2-124(11).
- 2068 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
2069 annually reduce the deposit into the Transportation Investment Fund of 2005
2070 under this Subsection (7) by an amount that is equal to 1% of the revenue

2071 collected from the following sales and use taxes:

2072 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2073 (B) the tax imposed by Subsection (2)(b)(i);

2074 (C) the tax imposed by Subsection (2)(c)(i); and

2075 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

2076 (ii) The commission shall annually deposit the amount described in Subsection

2077 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.

2078 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under

2079 Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)~~] Subsection (8)(b), for a

2080 fiscal year beginning on or after July 1, 2018, the commission shall annually deposit

2081 into the Transportation Investment Fund of 2005 created by Section 72-2-124 a

2082 portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the

2083 revenue collected from the following taxes:

2084 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

2085 (ii) the tax imposed by Subsection (2)(b)(i);

2086 (iii) the tax imposed by Subsection (2)(c)(i); and

2087 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

2088 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually

2089 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection

2090 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the

2091 current fiscal year by the portion of the tax imposed on motor and special fuel that is

2092 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

2093 (c) The commission shall annually deposit the amount described in Subsection (8)(b)

2094 into the Transit Transportation Investment Fund created in Section 72-2-124.

2095 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

2096 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies

2097 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

2098 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal

2099 year during which the commission receives notice under Section 63N-2-510 that

2100 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the

2101 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the

2102 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact

2103 Mitigation Fund, created in Section 63N-2-512.

2104 (11)(a) The rate specified in this subsection is 0.15%.

2105 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
 2106 on or after July 1, 2019, annually transfer the amount of revenue collected from the
 2107 rate described in Subsection (11)(a) on the transactions that are subject to the sales
 2108 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in
 2109 Section 26B-1-315.

2110 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
 2111 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated
 2112 credit solely for use of the Search and Rescue Financial Assistance Program created in,
 2113 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

2114 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
 2115 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
 2116 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

2117 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
 2118 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~
 2119 ~~commission shall transfer the total revenue deposited into the Transportation~~
 2120 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~
 2121 ~~General Fund.]~~

2122 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
 2123 beginning the first day of the calendar quarter one year after the sales and use tax
 2124 boundary for a housing and transit reinvestment zone is established, the commission, at
 2125 least annually, shall transfer an amount equal to 15% of the sales and use tax increment
 2126 within an established sales and use tax boundary, as defined in Section 63N-3-602, into
 2127 the Transit Transportation Investment Fund created in Section 72-2-124.

2128 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
 2129 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
 2130 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under
 2131 Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use
 2132 taxes:

- 2133 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 2134 (b) the tax imposed by Subsection (2)(b)(i);
- 2135 (c) the tax imposed by Subsection (2)(c)(i); and
- 2136 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

2137 ~~[(16)]~~ (15) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission
 2138 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:

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

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

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

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

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

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

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

2173 Subsection [~~(17)(e)(i)~~] ~~(16)(e)(i)~~.

2174 Section 18. Section **63B-11-502** is amended to read:

2175 **63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**

2176 (1) The total amount of bonds issued under this part may not exceed \$52,101,800.

2177 (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of
2178 Transportation to provide funds to pay all or part of the costs of accelerating any
2179 of the following state highway construction or reconstruction projects in Salt Lake
2180 County:

2181 (A) I-15: 10600 South to the Utah County line;

2182 (B) Final Environmental Impact Statement for Western Transportation Corridor:
2183 I-80 to Utah County;

2184 (C) I-215: Redwood Road to 4700 South;

2185 (D) State Street Reconstruction: 9000 South to 10600 South; and

2186 (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800
2187 South to 8000 South.

2188 (ii) If the Department of Transportation is unable to begin or complete a project
2189 authorized by this Subsection (2)(a) because of a court order, the Department of
2190 Transportation, with the approval of Salt Lake County, may expend bond
2191 proceeds to construct one or more projects identified in Subsection (2)(e).

2192 (b) When the Utah Transit Authority certifies to the Transportation Commission that the
2193 Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit
2194 Authority railroad overpass on 8000 South State Street, the Department of
2195 Transportation may provide funds from bond proceeds to pay the other half of the
2196 costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.

2197 (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land,
2198 interests in land, easements and rights-of-way, improving sites, and making all
2199 improvements necessary, incidental, or convenient to the facilities, interest estimated
2200 to accrue on these bonds during the period to be covered by construction of the
2201 projects plus a period of six months after the end of the construction period, interest
2202 estimated to accrue on any bond anticipation notes issued under the authority of
2203 Chapter 11, Part 6, 2002 Highway General Obligation Bond Anticipation Notes for
2204 Salt Lake County, and all related engineering, architectural, and legal fees.

2205 (d) Bond proceeds may not be expended on the State Street Reconstruction: 7800 to
2206 8000 South project until the Transportation Commission has received the

- 2207 certification required by Subsection (2)(b) from the Utah Transit Authority.
- 2208 (e) As the following projects or future projects identified by Salt Lake County and the
- 2209 Legislature are prepared and ready for construction by the Department of
- 2210 Transportation, it is the intent of the Legislature that they will be accelerated and
- 2211 funded from future general obligation bonds issued in anticipation of receiving debt
- 2212 service funds from the amount described in Subsection 59-12-2214(3)(b) and from
- 2213 other funding sources available to the Department of Transportation[, including
- 2214 money available from the Centennial Highway Fund and the Statewide
- 2215 Transportation Improvement Plan]:
- 2216 (i) 5600 West Reconstruction: 4500 South to 7000 South;
- 2217 (ii) Redwood Road: 12600 South to Bangerter Highway;
- 2218 (iii) I-15: Beck Street Overpass;
- 2219 (iv) I-215: 4700 South to SR-201;
- 2220 (v) acquisition of rights-of-way for the Western Transportation Corridor;
- 2221 (vi) 11400 South: I-15 to Redwood Road; and
- 2222 (vii) State Street Reconstruction 6400 South to 7800 South and 8000 South to 9000
- 2223 South.
- 2224 (3) If any portion of the proceeds of the tax paid to the state are not required to pay
- 2225 principal, interest, and issuance costs of the bonds and the principal, interest, and
- 2226 issuance costs of the bond have been paid off, or if, after completion of the projects
- 2227 authorized under Subsection (2)(a) and payment of the costs of issuing and selling the
- 2228 bonds under Section 63B-11-503, any bond proceeds remain unexpended, the
- 2229 Department of Transportation may use those unexpended proceeds to pay all or part of
- 2230 the costs of construction projects in Salt Lake County that have been approved and
- 2231 prioritized by the Transportation Commission.
- 2232 (4) The commission, by resolution, or the state treasurer may make any statement of intent
- 2233 relating to a reimbursement that is necessary or desirable to comply with federal tax law.
- 2234 (5) The Department of Transportation may enter into agreements related to the projects
- 2235 before the receipt of proceeds of bonds issued under this chapter.
- 2236 Section 19. Section **63B-31-101** is amended to read:
- 2237 **63B-31-101 (Effective 05/07/25). General obligation bonds -- Maximum amount**
- 2238 **-- Use of proceeds for projects.**
- 2239 (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
- 2240 under this section may not exceed \$264,000,000 for acquisition and construction

- 2241 proceeds, plus additional amounts as provided in Subsection (1)(b).
2242 (b) When the Department of Transportation certifies to the commission the amount of
2243 bond proceeds needed to provide funding for the projects described in this section,
2244 the commission may issue and sell general obligation bonds in an amount equal to
2245 the certified amount, plus additional amounts necessary to pay costs of issuance, to
2246 pay capitalized interest, and to fund any existing debt service reserve requirements,
2247 not to exceed 1% of the certified amount.
- 2248 (c) The commission may not issue general obligation bonds authorized under this
2249 section if the issuance of the general obligation bonds would result in the total current
2250 outstanding general obligation debt of the state exceeding 50% of the limitation
2251 described in the Utah Constitution, Article XIV, Section 1.
- 2252 (2) Proceeds from the bonds issued under this section shall be provided to the Department
2253 of Transportation to pay for, or to provide funds in accordance with this section to pay
2254 for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or
2255 improvements with respect to projects described in this section.
- 2256 (3) It is the intent of the Legislature that as transportation projects are prioritized under
2257 Section 72-2-124, the Transportation Commission give consideration to projects beyond
2258 the normal programming horizon.
- 2259 (4)(a) Two hundred thirty-two million dollars of the proceeds of bonds issued under this
2260 section shall be used to double track strategic sections of the FrontRunner commuter
2261 rail system, to be repaid from the Transit Transportation Investment Fund under
2262 Subsection [~~72-2-124(9)~~] 72-2-124(10).
- 2263 (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is
2264 contingent upon the establishment of an agreement between the Department of
2265 Transportation and the Utah Transit Authority whereby the Utah Transit Authority
2266 agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- 2267 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section
2268 shall be provided to the Department of Transportation to pass through to Brigham
2269 City to be used for a Forest Street rail bridge project in Brigham City.
- 2270 (b) Payments shall be made from the Rail Transportation Restricted Account created in
2271 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in
2272 the amount per year of the principal and interest payments due under the bonds
2273 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 2274 (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 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;

- 2309 (v) debt service expenditures;
- 2310 (vi) emergency expenditures;
- 2311 (vii) expenditures from all other fund or subfund sources;
- 2312 (viii) transfers or appropriations from the Income Tax Fund to the Uniform School
- 2313 Fund;
- 2314 (ix) transfers into, or appropriations made to, the General Fund Budget Reserve
- 2315 Account established in Section 63J-1-312;
- 2316 (x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve
- 2317 Account established in Section 63J-1-313;
- 2318 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to
- 2319 the Wildland Fire Suppression Fund created in Section 65A-8-204, the
- 2320 Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created
- 2321 in Section 65A-8-215, or the State Disaster Recovery Restricted Account created
- 2322 in Section 53-2a-603;
- 2323 (xii) money appropriated to fund the total one-time project costs for the construction
- 2324 of capital development projects as defined in Section 63A-5b-401;
- 2325 [~~(xiii)~~ transfers or deposits into or appropriations made to the Centennial Highway
- 2326 Fund created by Section 72-2-118;]
- 2327 [~~(xiv)~~] (xiii) transfers or deposits into or appropriations made to the Transportation
- 2328 Investment Fund of 2005 created by Section 72-2-124;
- 2329 [~~(xv)~~] (xiv) transfers or deposits into or appropriations made to:
- 2330 (A) the Department of Transportation from any source; or
- 2331 (B) any transportation-related account or fund from any source; or
- 2332 [~~(xvi)~~] (xv) supplemental appropriations from the General Fund to the Division of
- 2333 Forestry, Fire, and State Lands to provide money for wildland fire control
- 2334 expenses incurred during the current or previous fire years.
- 2335 (2) "Base year real per capita appropriations" means the result obtained for the state by
- 2336 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 2337 (a) the state's July 1, 1983 population; and
- 2338 (b) the fiscal year 1983 inflation index divided by 100.
- 2339 (3) "Calendar year" means the time period beginning on January 1 of any given year and
- 2340 ending on December 31 of the same year.
- 2341 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate
- 2342 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special

2343 Session, Chapter 4.

2344 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending
2345 on June 30 of the subsequent year.

2346 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
2347 and operations appropriations from General Fund and non-Uniform School Fund income
2348 tax revenue sources, less debt money.

2349 (7) "Inflation index" means the change in the general price level of goods and services as
2350 measured by the Gross National Product Implicit Price Deflator of the Bureau of
2351 Economic Analysis, U.S. Department of Commerce calculated as provided in Section
2352 63J-3-202.

2353 (8)(a) "Maximum allowable appropriations limit" means the appropriations that could
2354 be, or could have been, spent in any given year under the limitations of this chapter.

2355 (b) "Maximum allowable appropriations limit" does not mean actual appropriations
2356 spent or actual expenditures.

2357 (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two
2358 fiscal years previous to the fiscal year for which the maximum allowable inflation and
2359 population appropriations limit is being computed under this chapter.

2360 (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years
2361 previous to the fiscal year for which the maximum allowable inflation and population
2362 appropriations limit is being computed under this chapter.

2363 (11) "Population" means the number of residents of the state as of July 1 of each year as
2364 calculated by the Governor's Office of Planning and Budget according to the procedures
2365 and requirements of Section 63J-3-202.

2366 (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other
2367 monetary exaction and interest connected with it that are recorded as unrestricted
2368 revenue of the General Fund and from non-Uniform School Fund income tax revenues,
2369 except as specifically exempted by this chapter.

2370 (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether
2371 or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an
2372 "indebtedness" within the meaning of any provision of the constitution or laws of this
2373 state.

2374 Section 21. Section **72-1-201** is amended to read:

2375 **72-1-201 (Effective 05/07/25). Creation of Department of Transportation --**
2376 **Functions, powers, duties, rights, and responsibilities.**

- 2377 (1) There is created the Department of Transportation which shall:
- 2378 (a) have the general responsibility for planning, research, design, construction,
- 2379 maintenance, security, and safety of state transportation systems;
- 2380 (b) provide administration for state transportation systems and programs;
- 2381 (c) implement the transportation policies of the state;
- 2382 (d) plan, develop, construct, and maintain state transportation systems that are safe,
- 2383 reliable, environmentally sensitive, and serve the needs of the traveling public,
- 2384 commerce, and industry;
- 2385 (e) establish standards and procedures regarding the technical details of administration
- 2386 of the state transportation systems as established by statute and administrative rule;
- 2387 (f) advise the governor and the Legislature about state transportation systems needs;
- 2388 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
- 2389 installation, maintenance, operation, relocation, and upgrade of utilities within state
- 2390 highway rights-of-way;
- 2391 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 2392 make rules for the administration of the department, state transportation systems, and
- 2393 programs;
- 2394 (i) jointly with the commission annually report to the Transportation Interim Committee,
- 2395 by November 30 of each year, as to the operation, maintenance, condition, mobility,
- 2396 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 2397 (j) ensure that any training or certification required of a public official or public
- 2398 employee, as those terms are defined in Section 63G-22-102, complies with Title
- 2399 63G, Chapter 22, State Training and Certification Requirements, if the training or
- 2400 certification is required:
- 2401 (i) under this title;
- 2402 (ii) by the department; or
- 2403 (iii) by an agency or division within the department;
- 2404 (k) study and make recommendations to the Legislature on potential managed lane use
- 2405 and implementation on selected transportation systems within the state;
- 2406 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 2407 in Section 53-8-103 regarding:
- 2408 (i) future highway projects that will add additional capacity to the state transportation
- 2409 system;
- 2410 (ii) potential changes in law enforcement responsibilities due to future highway

- 2411 projects; and
- 2412 (iii) incident management services on state highways; and
- 2413 (m) provide public transit services, in consultation with any relevant public transit
- 2414 provider.
- 2415 (2) If the department constructs a project that requires an environmental impact statement,
- 2416 the department may only construct the project as provided in the record of decision
- 2417 associated with the environmental impact statement.
- 2418 [(2)] (3)(a) The department shall exercise reasonable care in designing, constructing, and
- 2419 maintaining a state highway in a reasonably safe condition for travel.
- 2420 (b) Nothing in this section shall be construed as:
- 2421 (i) creating a private right of action; or
- 2422 (ii) expanding or changing the department's common law duty as described in
- 2423 Subsection [(2)(a)] (3)(a) for liability purposes.
- 2424 Section 22. Section **72-1-212** is amended to read:
- 2425 **72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.**
- 2426 (1) As used in this section:
- 2427 (a) "Law enforcement agency" means the same as that term is defined in Section [
- 2428 ~~53-3-102~~] 53-1-102.
- 2429 (b) "Special use permit" means a permit issued:
- 2430 (i) for a special use or a special event that takes place on a highway; or
- 2431 (ii) to a law enforcement agency to install an automatic license plate reader on a state
- 2432 highway for the purpose of capturing license plate data of vehicles traveling on a
- 2433 state highway, regardless of whether the device is installed on property owned by
- 2434 the department or the law enforcement agency.
- 2435 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
- 2436 consultation with representatives of the Utah League of Cities and Towns and the Utah
- 2437 Association of Counties, the department shall make rules that are not inconsistent with
- 2438 this chapter or the constitution and laws of this state or of the United States governing
- 2439 the issuance of a special use permit to maintain public safety and serve the needs of the
- 2440 traveling public.
- 2441 (3) The rules described in Subsection (2) may:
- 2442 (a) establish the highways for which the highest number of special use permits are
- 2443 issued;
- 2444 (b) develop, in consultation with municipalities, a limit on the number of special use

- 2445 permits that may be issued in any calendar year on a particular highway;
- 2446 (c) require a person to submit an application designated by the department before the
- 2447 department issues a special use permit;
- 2448 (d) limit the number of special use permits issued on any one day for any specified
- 2449 location based on a first-come, first-served basis for completed applications;
- 2450 (e) establish criteria for evaluating completed applications, such as historic use, potential
- 2451 economic benefit, or other relevant factors;
- 2452 (f) specify conditions that are required to be met before a special use permit may be
- 2453 issued;
- 2454 (g) establish a penalty for failure to fulfill conditions required by the special use permit,
- 2455 including suspension of the special use permit or suspension of a future special use
- 2456 permit;
- 2457 (h) require an applicant to obtain insurance for certain special uses or special events; or
- 2458 (i) provide other requirements to maintain public safety and serve the needs of the
- 2459 traveling public.
- 2460 (4) The limit on the number of special use permits described in Subsection (3)(b) may not
- 2461 include:
- 2462 (a) a special use permit issued for a municipality-sponsored special use or special event
- 2463 on a highway within the jurisdiction of the municipality; or
- 2464 (b) a special use permit issued to a law enforcement agency to install a device as part of
- 2465 an automatic license plate reader system authorized by Section 41-6a-2003.
- 2466 (5) The rules described in Subsection (2) shall consider:
- 2467 (a) traveler safety and mobility;
- 2468 (b) the safety of special use or special event participants;
- 2469 (c) emergency access;
- 2470 (d) the mobility of residents close to the event or use;
- 2471 (e) access and economic impact to businesses affected by changes to the normal
- 2472 operation of highway traffic;
- 2473 (f) past performance of an applicant's adherence to special use permit requirements; and
- 2474 (g) whether a law enforcement agency applying for a special use permit has published a
- 2475 policy online as required by Section 41-6a-2003.
- 2476 (6) Notwithstanding any other provision of this chapter, the department may also require a
- 2477 law enforcement agency applying for a special use permit described in this section to
- 2478 obtain an encroachment permit.

- 2479 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that
2480 reflects the cost of services provided by the department associated with special use
2481 permits and with special uses or special events that take place on a highway.
- 2482 (8) For a device installed in accordance with Section 41-6a-2003, the installation,
2483 maintenance, data collection, and removal are the responsibility of the law enforcement
2484 agency that obtains the special use permit.
- 2485 (9)(a) The department shall preserve a record of special use permits issued to a law
2486 enforcement agency, including the stated purpose for each permit.
- 2487 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five
2488 years.
- 2489 Section 23. Section **72-1-213.1** is amended to read:
- 2490 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**
- 2491 (1) As used in this section:
- 2492 (a) "Account manager" means an entity under contract with the department to administer
2493 and manage the road usage charge program.
- 2494 (b) "Alternative fuel vehicle" means:
- 2495 (i) an electric motor vehicle as defined in Section 41-1a-102; or
2496 (ii) a motor vehicle powered exclusively by a fuel other than:
- 2497 (A) motor fuel;
2498 (B) diesel fuel;
2499 (C) natural gas; or
2500 (D) propane.
- 2501 (c) "Payment period" means the interval during which an owner is required to report
2502 mileage and pay the appropriate road usage charge according to the terms of the
2503 program.
- 2504 (d) "Program" means the road usage charge program established and described in this
2505 section.
- 2506 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
2507 program for a registration period.
- 2508 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
2509 program.
- 2510 (2) There is established a road usage charge program as described in this section.
- 2511 (3)(a) The department shall implement and oversee the administration of the program,
2512 which shall begin on January 1, 2020.

- 2513 (b) To implement and administer the program, the department may contract with an
2514 account manager.
- 2515 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
2516 alternative fuel vehicle in the program.
- 2517 (b) If an application for enrollment into the program is approved by the department, the
2518 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
2519 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2520 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
2521 consistent with this section, the department:
- 2522 (a) shall make rules to establish:
- 2523 (i) processes and terms for enrollment into and withdrawal or removal from the
2524 program;
- 2525 (ii) payment periods and other payment methods and procedures for the program;
- 2526 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
2527 alternative fuel vehicle to report mileage as part of participation in the program;
- 2528 (iv) standards for program functions for mileage recording, payment processing,
2529 account management, and other similar aspects of the program;
- 2530 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
2531 and an account manager for participation in the program;
- 2532 (vi) contractual terms between the department and an account manager, including
2533 authority for an account manager to enforce the terms of the program;
- 2534 (vii) procedures to provide security and protection of personal information and data
2535 connected to the program, and penalties for account managers for violating
2536 privacy protection rules;
- 2537 (viii) penalty procedures for a program participant's failure to pay a road usage
2538 charge or tampering with a device necessary for the program; and
- 2539 (ix) department oversight of an account manager, including privacy protection of
2540 personal information and access and auditing capability of financial and other
2541 records related to administration of the program; and
- 2542 (b) may make rules to establish:
- 2543 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
2544 program;
- 2545 (ii) a process for collection of an unpaid road usage charge or penalty; or
- 2546 (iii) integration of the program with other similar programs, such as tolling.

- 2547 (6) Revenue generated by the road usage charge program and relevant penalties shall be
2548 deposited into the Road Usage Charge Program Special Revenue Fund.
- 2549 (7)(a) The department may:
- 2550 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
2551 the terms of the program or tampering with a device necessary for the program;
2552 and
- 2553 (B) request that the Division of Motor Vehicles place a hold on the registration of
2554 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
2555 charge or penalty according to the terms of the program;
- 2556 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
2557 owner or lessee of:
- 2558 (A) the road usage charge program, implementation, and procedures;
- 2559 (B) an unpaid road usage charge and the amount of the road usage charge to be
2560 paid to the department;
- 2561 (C) the penalty for failure to pay a road usage charge within the time period
2562 described in Subsection (7)(a)(iii); and
- 2563 (D) a hold being placed on the owner's or lessee's registration for the alternative
2564 fuel vehicle, if the road usage charge and penalty are not paid within the time
2565 period described in Subsection (7)(a)(iii), which would prevent the renewal of
2566 the alternative fuel vehicle's registration; and
- 2567 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
2568 charge to the department within 30 days of the date when the department sends
2569 written notice of the road usage charge to the owner or lessee.
- 2570 (b) The department shall send the correspondence and notice described in Subsection (7)
- 2571 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2572 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
2573 to information pertaining to an alternative fuel vehicle and participation in the
2574 program including:
- 2575 (i) registration and ownership information pertaining to an alternative fuel vehicle;
- 2576 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
2577 pay a road usage charge or penalty imposed under this section within the time
2578 period described in Subsection (7)(a)(iii); and
- 2579 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2580 (b) If the department requests a hold on the registration in accordance with this section,

- 2581 the Division of Motor Vehicles may not renew the registration of a motor vehicle
2582 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
2583 hold request.
- 2584 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
2585 withdraw from the program according to the terms established by the department
2586 pursuant to rules made under Subsection (5).
- 2587 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2588 (a) report mileage driven as required by the department pursuant to Subsection (5);
- 2589 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
- 2590 and
- 2591 (c) comply with all other provisions of this section and other requirements of the
2592 program.
- 2593 (11) The department shall submit annually, on or before October 1, to the Transportation
2594 Interim Committee, an electronic report that:
- 2595 (a) states for the preceding fiscal year:
- 2596 (i) the amount of revenue collected from the program;
- 2597 (ii) the participation rate in the program; and
- 2598 (iii) the department's costs to administer the program; and
- 2599 (b) provides for the current fiscal year, an estimate of:
- 2600 (i) the revenue that will be collected from the program;
- 2601 (ii) the participation rate in the program; and
- 2602 (iii) the department's costs to administer the program.
- 2603 (12)(a) Beginning on January 1, 2023:
- 2604 (i) the road usage charge rate is 1.0 cent per mile; and
- 2605 (ii) the road usage charge cap is:
- 2606 (A) \$130.25 for an annual registration period; and
- 2607 (B) \$100.75 for a six-month registration period.
- 2608 (b) Beginning on January 1, 2026:
- 2609 (i) the road usage charge rate is 1.25 cents per mile; and
- 2610 (ii) the road usage charge cap is:
- 2611 (A) \$180 for an annual registration period; and
- 2612 (B) \$139 for a six-month registration period.
- 2613 (c) Beginning on January 1, 2032:
- 2614 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes

- 2615 a different road usage charge rate in accordance with Subsection (13); and
- 2616 (ii) the road usage charge cap is:
- 2617 (A) \$240 for an annual registration period; and
- 2618 (B) \$185 for a six-month registration period.
- 2619 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
- 2620 usage charge rates described in this Subsection (12) by taking the road usage charge
- 2621 rate for the previous year and adding an amount equal to the greater of:
- 2622 (i) an amount calculated by multiplying the road usage charge rate of the previous
- 2623 year by the actual percentage change during the previous fiscal year in the
- 2624 Consumer Price Index as determined by the State Tax Commission; and
- 2625 (ii) 0.
- 2626 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
- 2627 the road usage charge caps described in this Subsection (12) by taking the road usage
- 2628 charge cap for the previous year and adding an amount equal to the greater of:
- 2629 (i) an amount calculated by multiplying the road usage charge cap of the previous
- 2630 year by the actual percentage change during the previous fiscal year in the
- 2631 Consumer Price Index; and
- 2632 (ii) 0.
- 2633 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
- 2634 nearest .01 cent.
- 2635 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
- 2636 nearest 25 cents.
- 2637 (h) On or before January 1 of each year, the department shall publish:
- 2638 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
- 2639 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2640 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in
- 2641 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road
- 2642 usage charge rate for each type of alternative fuel vehicle.
- 2643 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission
- 2644 shall consult with the department regarding the road usage charge rate for each
- 2645 type of alternative fuel vehicle.
- 2646 (ii) The department shall cooperate with and make recommendations to the
- 2647 commission regarding the road usage charge rate for each type of alternative fuel
- 2648 vehicle.

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

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

- (1) The department shall carry out transportation studies described in this section as resources allow.
- (2)(a) The department shall study items related to advanced air mobility as described in this Subsection (2).
- (b) The department shall study vertiport locations and infrastructure, including:
- (i) identification of suitable locations for vertiport infrastructure and parking infrastructure for vertiports in metropolitan areas;
 - (ii) identification of commuter rail stations that may be suitable for vertiport placement; and
 - (iii) identification of underutilized parking lots and parking structures for vertiport infrastructure placement.
- (c) The department shall study best practices and implementation of advanced air mobility technologies, including:
- (i) seeking input through community engagement;
 - (ii) state and local regulations;
 - (iii) unmanned aircraft system traffic management; and
 - (iv) weather reporting and monitoring for advanced air mobility safety.
- (d) The department shall study unmanned aircraft traffic management infrastructure, including:
- (i) unmanned aircraft system traffic management development, implementation, procedures, policies, and infrastructure; and
 - (ii) obtaining a full understanding of unmanned aircraft system traffic management, including:
 - (A) designation of airspace for advanced air mobility;
 - (B) creation of geographic categorical areas;
 - (C) identifying the appropriate number and location of advanced air mobility sensors; and
 - (D) other state specific details regarding unmanned aircraft system traffic management.
- (e) The department shall study the creation of an advanced air mobility sandbox, including:
- (i) potential locations for the sandbox testing area and desirable attributes of a

- 2683 suitable sandbox location;
- 2684 (ii) requirements to create a geographical advanced air mobility testing area and the
- 2685 parameters for the types of technology that may be utilized in the testing area; and
- 2686 (iii) testing and studying different types of advanced air mobility transportation of
- 2687 manned and unmanned aerial vehicles, including:
- 2688 (A) aerial vehicle size;
- 2689 (B) aerial vehicles that carry cargo, including medical cargo;
- 2690 (C) commercial aerial vehicles; and
- 2691 (D) public transportation aerial vehicles.
- 2692 (f) On or before September 30, 2023, the department shall provide a report to the
- 2693 Transportation Interim Committee of the department's findings from the study items
- 2694 described in Subsections (2)(b) through (2)(e).
- 2695 (g) The department may only use existing funds to cover the expenses incurred from the
- 2696 study of items described in Subsections (2)(b) through (2)(e).
- 2697 (3)(a) The department and a large public transit district shall jointly study programs
- 2698 offered by government entities related to human services transportation, including:
- 2699 (i) coordinated mobility services;
- 2700 (ii) paratransit services;
- 2701 (iii) nonemergency medical transportation;
- 2702 (iv) human service public transit fare programs;
- 2703 (v) youth transportation programs; and
- 2704 (vi) other similar programs provided or coordinated within the boundary of the large
- 2705 public transit district, including those involving the department, a large public
- 2706 transit district, local governments, or other government agencies and nonprofit
- 2707 entities that provide similar services.
- 2708 (b) The study shall evaluate strategies to consolidate the transportation services
- 2709 described in Subsection (3)(a) to improve efficiency and service.
- 2710 (c) The department and large public transit district shall:
- 2711 (i) provide a preliminary report on the study to the Transportation Interim Committee
- 2712 on or before November 1, 2025; and
- 2713 (ii) prepare and present recommendations to the Transportation Interim Committee
- 2714 on or before November 1, 2026, for the consolidation of the services described in
- 2715 Subsection (3)(a).
- 2716 Section 25. Section **72-1-303** is amended to read:

2717 **72-1-303 (Effective 05/07/25). Duties of commission.**

2718 (1) The commission has the following duties:

- 2719 (a) determining priorities and funding levels of projects and programs in the state
2720 transportation systems and the capital development of new public transit facilities for
2721 each fiscal year based on project lists compiled by the department and taking into
2722 consideration the strategic initiatives described in Section 72-1-211;
- 2723 (b) determining additions and deletions to state highways under Chapter 4, Designation
2724 of State Highways Act;
- 2725 (c) holding public meetings and otherwise providing for public input in transportation
2726 matters;
- 2727 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
2728 Administrative Rulemaking Act, necessary to perform the commission's duties
2729 described under this section;
- 2730 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive
2731 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
2732 Administrative Procedures Act;
- 2733 (f) advising the department on state transportation systems policy;
- 2734 (g) approving settlement agreements of condemnation cases subject to Section
2735 63G-10-401;
- 2736 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a
2737 nonvoting member or a voting member on the board of trustees of a public transit
2738 district;
- 2739 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term
2740 and long-range public transit plans;
- 2741 (j) determining the priorities and funding levels of public transit innovation grants, as
2742 defined in Section 72-2-401; and
- 2743 (k) reviewing administrative rules made, substantively amended, or repealed by the
2744 department.

2745 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
2746 72-2-125, the commission shall annually report to~~[a committee designated by the~~
2747 ~~Legislative Management Committee]~~ the Transportation and Infrastructure
2748 Appropriations Subcommittee:

- 2749 (i) a prioritized list of the new transportation capacity projects in the state
2750 transportation system and the funding levels available for those projects; and

- (ii) the unfunded highway construction and maintenance needs within the state.
- (b) The ~~[committee designated by the Legislative Management Committee under Subsection (2)(a)]~~ Transportation and Infrastructure Appropriations Subcommittee shall:
- (i) review the list reported by the Transportation Commission; and
 - (ii) make a recommendation to the Legislature on:
 - (A) the amount of additional funding to allocate to transportation; and
 - (B) the source of revenue for the additional funding allocation under Subsection (2)(b)(ii)(A).
- (3) The commission shall review and may approve plans for the construction of a highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of 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

- 2785 shall provide data and evidence to show that:
- 2786 (A) the project will advance the purposes and goals described in Section 72-1-211;
- 2787 (B) for a public transit project, the local government or public transit district has
- 2788 an ongoing funding source for operations and maintenance of the proposed
- 2789 development; and
- 2790 (C) the local government or public transit district will provide the percentage of
- 2791 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [
- 2792 ~~72-2-124(9)(e)~~ 72-2-124(10)(e).
- 2793 (2) The following shall be included in the written prioritization process under Subsection
- 2794 (1):
- 2795 (a) a description of how the strategic initiatives of the department adopted under Section
- 2796 72-1-211 are advanced by the written prioritization process;
- 2797 (b) a definition of the type of projects to which the written prioritization process applies;
- 2798 (c) specification of a weighted criteria system that is used to rank proposed projects and
- 2799 how it will be used to determine which projects will be prioritized;
- 2800 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 2801 (e) any other provisions the commission considers appropriate, which may include
- 2802 consideration of:
- 2803 (i) regional and statewide economic development impacts, including improved local
- 2804 access to:
- 2805 (A) employment;
- 2806 (B) educational facilities;
- 2807 (C) recreation;
- 2808 (D) commerce; and
- 2809 (E) residential areas, including moderate income housing as demonstrated in the
- 2810 local government's or public transit district's general plan pursuant to Section
- 2811 10-9a-403 or 17-27a-403;
- 2812 (ii) the extent to which local land use plans relevant to a project support and
- 2813 accomplish the strategic initiatives adopted under Section 72-1-211; and
- 2814 (iii) any matching funds provided by a political subdivision or public transit district
- 2815 in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii)
- 2816 and ~~[72-2-124(9)(e)]~~ 72-2-124(10)(e).
- 2817 (3)(a) When prioritizing a public transit project that increases capacity, the commission:
- 2818 (i) may give priority consideration to projects that are part of a transit-oriented

- 2819 development or transit-supportive development as defined in Section 17B-2a-802;
2820 and
- 2821 (ii) shall give priority consideration to projects that are within the boundaries of a
2822 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3,
2823 Part 6, Housing and Transit Reinvestment Zone Act.
- 2824 (b) When prioritizing a transportation project that increases capacity, the commission
2825 may give priority consideration to projects that are:
- 2826 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
- 2827 (A) the state is a participant in the transportation reinvestment zone; or
2828 (B) the commission finds that the transportation reinvestment zone provides a
2829 benefit to the state transportation system; or
- 2830 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
2831 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 2832 (c) If the department receives a notice of prioritization for a municipality as described in
2833 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in
2834 Subsection 17-27a-408(5), the commission may give priority consideration to
2835 transportation projects that are within the boundaries of the municipality or the
2836 unincorporated areas of the county until the department receives notification from the
2837 Housing and Community Development Division within the Department of Workforce
2838 Services that the municipality or county no longer qualifies for prioritization under
2839 this Subsection (3)(c).
- 2840 (4) In developing the written prioritization process, the commission:
- 2841 (a) shall seek and consider public comment by holding public meetings at locations
2842 throughout the state; and
- 2843 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
2844 the state provides an equal opportunity to raise local matching dollars for state
2845 highway improvements within each county.
- 2846 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2847 Transportation Commission, in consultation with the department, shall make rules
2848 establishing the written prioritization process under Subsection (1).
- 2849 (6) The commission shall submit the proposed rules under this section to ~~[a committee or~~
2850 ~~task force designated by the Legislative Management Committee]~~ the Transportation
2851 Interim Committee for review prior to taking final action on the proposed rules or any
2852 proposed amendment to the rules described in Subsection (5).

2853 Section 27. Section **72-1-305** is amended to read:

2854 **72-1-305 (Effective 05/07/25). Project selection using the written prioritization**
2855 **process -- Public comment -- Report.**

2856 (1) Except as provided in Subsection (4), in determining priorities and funding levels of
2857 projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
2858 transportation capacity projects, the commission shall use the weighted criteria system
2859 adopted in the written prioritization process under Section 72-1-304.

2860 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
2861 system, the commission shall conduct public meetings at locations around the state and
2862 accept public comments on:

2863 (a) the written prioritization process;

2864 (b) the merits of new transportation capacity projects that will be prioritized under this
2865 section; and

2866 (c) the merits of new transportation capacity projects as recommended by a consensus of
2867 local elected officials participating in a metropolitan planning organization as defined
2868 in Section 72-1-208.5.

2869 (3) The commission shall make the weighted criteria system ranking for each project
2870 publicly available prior to the public meetings held under Subsection (2).

2871 (4)(a) If the commission prioritizes a project over another project with a higher rank
2872 under the weighted criteria system, the commission shall identify the change and
2873 accept public comment at a meeting held under this section on the merits of
2874 prioritizing the project above higher ranked projects.

2875 (b) The commission shall make the reasons for the prioritization under Subsection (4)(a)
2876 publicly available.

2877 (5)(a) The executive director or the executive director's designee shall report annually to
2878 the governor and ~~[a committee designated by the Legislative Management Committee]~~
2879 the Transportation Interim Committee no later than the last day of October:

2880 (i) the projects prioritized under this section during the year prior to the report; and

2881 (ii) the status and progress of all projects prioritized under this section.

2882 (b) Annually, before any funds are programmed and allocated from the Transit
2883 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the
2884 executive director or the executive director's designee, along with the executive
2885 director of a large public transit district as described in Section 17B-2a-802, shall
2886 report to the governor and ~~[a committee designated by the Legislative Management~~

2887 Committee] the Transportation Interim Committee no later than the last day of
2888 October:
2889 (i) the public transit projects prioritized under this section during the year prior to the
2890 report; and
2891 (ii) the status and progress of all public transit projects prioritized under this section.
2892 (6) The department shall annually report to the Transportation Commission on the status of
2893 new capacity transportation projects, including projects that were funded by the
2894 Legislature in an appropriations act.

2895 Section 28. Section **72-2-106** is amended to read:

2896 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**
2897 **Fund.**

2898 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
2899 of the department an amount equal to two-elevenths of the taxes collected from the
2900 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
2901 class B and class C roads, to be used for highway rehabilitation.

2902 [~~(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~
2903 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~
2904 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~
2905 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~
2906 ~~Section 72-2-124.]~~

2907 [(3)] (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
2908 annually transfer to the Transportation Investment Fund of 2005 created by Section
2909 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the
2910 current fiscal year by the portion of the tax imposed on motor and special fuel that is
2911 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

2912 [(4)] (3) For purposes of the calculation described in Subsection 59-12-103(7)(c), the
2913 Division of Finance shall notify the State Tax Commission of the amount of any transfer
2914 made under [~~Subsections (2) and (3)] Subsection (2).~~

2915 Section 29. Section **72-2-121** is amended to read:

2916 **72-2-121 (Effective upon governor's approval). County of the First Class**
2917 **Highway Projects Fund.**

2918 (1) There is created a special revenue fund within the Transportation Fund known as the
2919 "County of the First Class Highway Projects Fund."

2920 (2) The fund consists of money generated from the following revenue sources:

- 2921 (a) any voluntary contributions received for new construction, major renovations, and
 2922 improvements to highways within a county of the first class;
- 2923 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
 2924 deposited into or transferred to the fund;
- 2925 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
 2926 transferred to the fund;
- 2927 (d) a portion of the local option highway construction and transportation corridor
 2928 preservation fee imposed in a county of the first class under Section 41-1a-1222
 2929 deposited into or transferred to the fund; and
- 2930 (e) the portion of the sales and use tax transferred into the fund as described in
 2931 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
- 2932 (3)(a) The fund shall earn interest.
- 2933 (b) All interest earned on fund money shall be deposited into the fund.
- 2934 (4) Subject to Subsection (11), the executive director shall use the fund money only:
- 2935 (a) to pay debt service and bond issuance costs for bonds issued under Sections
 2936 63B-16-102, 63B-18-402, and 63B-27-102;
- 2937 (b) for right-of-way acquisition, new construction, major renovations, and improvements
 2938 to highways within a county of the first class and to pay any debt service and bond
 2939 issuance costs related to those projects, including improvements to a highway located
 2940 within a municipality in a county of the first class where the municipality is located
 2941 within the boundaries of more than a single county;
- 2942 (c) for the construction, acquisition, use, maintenance, or operation of:
- 2943 (i) an active transportation facility for nonmotorized vehicles;
- 2944 (ii) multimodal transportation that connects an origin with a destination; or
- 2945 (iii) a facility that may include a:
- 2946 (A) pedestrian or nonmotorized vehicle trail;
- 2947 (B) nonmotorized vehicle storage facility;
- 2948 (C) pedestrian or vehicle bridge; or
- 2949 (D) vehicle parking lot or parking structure;
- 2950 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
 2951 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the
 2952 amounts transferred in accordance with Subsection [72-2-124(4)(a)(iv)]
 2953 72-2-124(4)(a)(v);
- 2954 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond

- issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects described in Subsection 63B-18-401(4)(a);
- (f) for a fiscal year beginning on or after July 1, 2013, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to 50% of the revenue generated by the local option highway construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in a county of the first class:
- (i) to the legislative body of a county of the first class; and
- (ii) to be used by a county of the first class for:
- (A) highway construction, reconstruction, or maintenance projects; or
- (B) the enforcement of state motor vehicle and traffic laws;
- (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and use tax revenue imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:
- (i) the appropriate debt service or sinking fund for the repayment of bonds issued under Section 63B-27-102; and
- (ii) the appropriate debt service or sinking fund for the repayment of bonds issued under Sections 63B-31-102 and 63B-31-103;
- (h) after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in a county of the first class to fund a system for public transit;
- (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20% of the amount deposited into the fund under Subsection (2)(b):
- (i) to the legislative body of a county of the first class; and
- (ii) to fund parking facilities in a county of the first class that facilitate significant economic development and recreation and tourism within the state;

- 2989 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
 2990 15 years thereafter, to annually transfer the following amounts to the following cities
 2991 and the county of the first class for priority projects to mitigate congestion and
 2992 improve transportation safety:
- 2993 (i) \$2,000,000 to Sandy;
 - 2994 (ii) \$2,300,000 to Taylorsville;
 - 2995 (iii) \$1,100,000 to Salt Lake City;
 - 2996 (iv) \$1,100,000 to West Jordan;
 - 2997 (v) \$1,100,000 to West Valley City;
 - 2998 (vi) \$800,000 to Herriman;
 - 2999 (vii) \$700,000 to Draper;
 - 3000 (viii) \$700,000 to Riverton;
 - 3001 (ix) \$700,000 to South Jordan;
 - 3002 (x) \$500,000 to Bluffdale;
 - 3003 (xi) \$500,000 to Midvale;
 - 3004 (xii) \$500,000 to Millcreek;
 - 3005 (xiii) \$500,000 to Murray;
 - 3006 (xiv) \$400,000 to Cottonwood Heights; and
 - 3007 (xv) \$300,000 to Holladay; and
- 3008 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the
 3009 distributions under Subsection (4)(j), to reimburse the following municipalities for
 3010 the amounts and projects indicated, as each project progresses and as revenue
 3011 balances allow:
- 3012 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from
 3013 Grandville Avenue to Mountain View Corridor;
 - 3014 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street
 3015 and 700 West;
 - 3016 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements
 3017 throughout Salt Lake City;
 - 3018 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard
 3019 and 2300 East;
 - 3020 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800
 3021 South and I-15;
 - 3022 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;

- 3023 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 3024 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail
- 3025 between 11800 South and 13800 South;
- 3026 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700
- 3027 South;
- 3028 (x) \$470,000 to the department for construction of a sound wall on Bangerter
- 3029 Highway at approximately 11200 South;
- 3030 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800
- 3031 South and 5300 South;
- 3032 [~~(xii)~~ \$1,450,000 to West Valley for construction of a road connecting 5400 South to
- 3033 U-111;]
- 3034 [~~(xiii)~~] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West
- 3035 and 4100 South;
- 3036 [~~(xiv)~~] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting
- 3037 U-111 and Old Bingham Highway;
- 3038 [~~(xv)~~] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000
- 3039 East between 3300 South and Atkin Avenue;
- 3040 [~~(xvi)~~] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between
- 3041 Van Winkle Expressway and Arbor Lane;
- 3042 [~~(xvii)~~] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000
- 3043 West between 4100 South and 4700 South and improvements to 4700 South from
- 3044 4000 West to Bangerter Highway; and
- 3045 [~~(xviii)~~] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215
- 3046 interchange.
- 3047 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
- 3048 Subsection (4)(j), the executive director shall proportionately reduce the amounts
- 3049 transferred as described in Subsection (4)(j).
- 3050 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
- 3051 existing class B or class C road funds that a local government has budgeted for
- 3052 transportation projects.
- 3053 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
- 3054 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
- 3055 and 63B-27-102 are considered a local matching contribution for the purposes described
- 3056 under Section 72-2-123.

- 3057 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
3058 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as
3059 provided in Part 3, Public Transit Innovation Grants.
- 3060 (8) The additional administrative costs of the department to administer this fund shall be
3061 paid from money in the fund.
- 3062 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
3063 the use or expenditure of the revenue sources deposited into this fund, the Department of
3064 Transportation may use the money in this fund for any of the purposes detailed in
3065 Subsection (4).
- 3066 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
3067 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
3068 operations, and supporting infrastructure in the county of the first class.
- 3069 (11) For the first three years after a county of the first class imposes a sales and use tax
3070 authorized in Section 59-12-2220, revenue deposited into the fund as described in
3071 Subsection (2)(e) shall be allocated as follows:
- 3072 (a) 10% to the department to construct an express bus facility on 5600 West; and
3073 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section
3074 72-2-302.
- 3075 Section 30. Section **72-2-121.3** is amended to read:
- 3076 **72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County**
3077 **Revenue Bond Sinking Fund.**
- 3078 (1) There is created a special revenue fund within the County of the First Class Highway
3079 Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."
- 3080 (2) The fund consists of:
- 3081 (a) money transferred into the fund from the County of the First Class Highway Projects
3082 Fund in accordance with Subsection 72-2-121(4)(d); and
- 3083 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
3084 from the Transportation Investment Fund of 2005 in accordance with Subsection [
3085 ~~72-2-124(4)(a)(iv)~~] 72-2-124(4)(a)(v).
- 3086 (3)(a) The fund shall earn interest.
- 3087 (b) All interest earned on fund money shall be deposited into the fund.
- 3088 (4)(a) The director of the Division of Finance may use fund money only as provided in
3089 this section.
- 3090 (b) The director of the Division of Finance may not distribute any money from the fund

under this section until the director has received a formal opinion from the attorney general that Salt Lake County has entered into a binding agreement with the state of Utah containing all of the terms required by Section 72-2-121.4.

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

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

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

(d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake County as provided in the interlocal agreement required by Section 72-2-121.4 are paid off, the director of the Division of Finance shall, upon request from Salt Lake County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary to pay:

(i) the debt service on the revenue bonds issued by Salt Lake County as provided in the interlocal agreement required by Section 72-2-121.4; and

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

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

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

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

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

(a) local matching dollars;

(b) agreements regarding new revenue a county or municipality expects will be

3125 generated as a result of the construction of a state highway improvement project; or
3126 (c) other local participation methods.

3127 (2) The guidelines described in Subsection (1) shall encourage partnering to help finance
3128 state highway improvement projects and provide for:

3129 (a) the consideration of factors relevant to a decision to make a program adjustment
3130 including the potential to:

3131 (i) extend department resources to other needed projects;

3132 (ii) alleviate significant existing or future congestion or hazards to the traveling
3133 public; and

3134 (iii) address a need that is widely recognized by the public, elected officials, and
3135 transportation planners;

3136 (b) a process for submitting, evaluating, and hearing partnering proposals; and

3137 (c) the creation of a public record of each proposal from initial submission to final
3138 disposition.

3139 (3) The commission shall submit the proposed rules under this section to ~~[a committee or~~
3140 ~~task force designated by the Legislative Management Committee]~~ the Transportation
3141 Interim Committee for review prior to taking final action on the proposed rules or any
3142 proposed amendment to the rules.

3143 Section 32. Section **72-2-124** is amended to read:

3144 **72-2-124 (Effective 05/07/25). Transportation Investment Fund of 2005.**

3145 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
3146 2005.

3147 (2) The fund consists of money generated from the following sources:

3148 (a) any voluntary contributions received for the maintenance, construction,
3149 reconstruction, or renovation of state and federal highways;

3150 (b) appropriations made to the fund by the Legislature;

3151 (c) registration fees designated under Section 41-1a-1201;

3152 (d) the sales and use tax revenues deposited into the fund in accordance with Section
3153 59-12-103; and

3154 (e) revenues transferred to the fund in accordance with Section 72-2-106.

3155 (3)(a) The fund shall earn interest.

3156 (b) All interest earned on fund money shall be deposited into the fund.

3157 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
3158 money to pay:

- (i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
- (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
- (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;
- ~~[(iii)]~~ (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
- ~~[(iv)]~~ (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- ~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
- ~~[(vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118;]~~
- (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
- (viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
- (A) mitigate traffic congestion on the state highway system;
 - (B) are part of an active transportation plan approved by the department; and
 - (C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
- (ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
- (A) the connector road between Main Street and 1600 North in the city of Vineyard;

- 3193 (B) Geneva Road from University Parkway to 1800 South;
 3194 (C) the SR-97 interchange at 5600 South on I-15;
 3195 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
 3196 South Jordan Parkway;
 3197 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
 3198 (F) improvements to 1600 North in Orem from 1200 West to State Street;
 3199 (G) widening I-15 between mileposts 6 and 8;
 3200 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
 3201 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
 3202 in Spanish Fork Canyon;
 3203 (J) I-15 northbound between mileposts 43 and 56;
 3204 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
 3205 43 and 45.1;
 3206 (L) east Zion SR-9 improvements;
 3207 (M) Toquerville Parkway;
 3208 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
 3209 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
 3210 for construction of an interchange on Bangerter Highway at 13400 South; and
 3211 (P) an environmental impact study for Kimball Junction in Summit County; and
 3212 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
 3213 costs based upon a statement of cash flow that the local jurisdiction where the
 3214 project is located provides to the department demonstrating the need for money
 3215 for the project, for the following projects in the following amounts:
 3216 (A) \$5,000,000 for Payson Main Street repair and replacement;
 3217 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
 3218 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
 3219 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
 3220 40 between mile markers 7 and 10.
- 3221 (b) The executive director may use fund money to exchange for an equal or greater
 3222 amount of federal transportation funds to be used as provided in Subsection (4)(a).
 3223 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
 3224 not commence until a right-of-way not owned by a federal agency that is required
 3225 for the realignment and extension of U-111, as described in the department's 2023
 3226 environmental study related to the project, is dedicated to the department.

3227 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
3228 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
3229 department may proceed with the project, except that the project will be limited to
3230 two lanes on U-111 from Herriman Parkway to 11800 South.

3231 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
3232 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
3233 director may not program fund money to a project prioritized by the commission
3234 under Section 72-1-304, including fund money from the Transit Transportation
3235 Investment Fund, within the boundaries of the municipality until the department
3236 receives notification from the Housing and Community Development Division within
3237 the Department of Workforce Services that ineligibility under this Subsection (5) no
3238 longer applies to the municipality.

3239 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
3240 director:

- 3241 (i) may program fund money in accordance with Subsection (4)(a) for a
3242 limited-access facility or interchange connecting limited-access facilities;
3243 (ii) may not program fund money for the construction, reconstruction, or renovation
3244 of an interchange on a limited-access facility;
3245 (iii) may program Transit Transportation Investment Fund money for a
3246 multi-community fixed guideway public transportation project; and
3247 (iv) may not program Transit Transportation Investment Fund money for the
3248 construction, reconstruction, or renovation of a station that is part of a fixed
3249 guideway public transportation project.

3250 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
3251 director before July 1, 2022, for projects prioritized by the commission under Section
3252 72-1-304.

3253 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
3254 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
3255 director may not program fund money to a project prioritized by the commission
3256 under Section 72-1-304, including fund money from the Transit Transportation
3257 Investment Fund, within the boundaries of the unincorporated area of the county until
3258 the department receives notification from the Housing and Community Development
3259 Division within the Department of Workforce Services that ineligibility under this
3260 Subsection (6) no longer applies to the county.

- 3261 (b) Within the boundaries of the unincorporated area of a county described in Subsection
3262 (6)(a), the executive director:
- 3263 (i) may program fund money in accordance with Subsection (4)(a) for a
3264 limited-access facility to a project prioritized by the commission under Section
3265 72-1-304;
- 3266 (ii) may not program fund money for the construction, reconstruction, or renovation
3267 of an interchange on a limited-access facility;
- 3268 (iii) may program Transit Transportation Investment Fund money for a
3269 multi-community fixed guideway public transportation project; and
- 3270 (iv) may not program Transit Transportation Investment Fund money for the
3271 construction, reconstruction, or renovation of a station that is part of a fixed
3272 guideway public transportation project.
- 3273 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
3274 director before July 1, 2022, for projects prioritized by the commission under Section
3275 72-1-304.
- 3276 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
3277 any fiscal year, the department and the commission shall appear before the Executive
3278 Appropriations Committee of the Legislature and present the amount of bond
3279 proceeds that the department needs to provide funding for the projects identified in
3280 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
3281 or next fiscal year.
- 3282 (b) The Executive Appropriations Committee of the Legislature shall review and
3283 comment on the amount of bond proceeds needed to fund the projects.
- 3284 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
3285 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3286 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
3287 service or sinking fund.
- 3288 (9) The executive director may only use money in the fund for corridor preservation as
3289 described in Subsection (4)(a)(iii):
- 3290 (a) if the project has been prioritized by the commission, including the use of fund
3291 money for corridor preservation; or
- 3292 (b) for a project that has not been prioritized by the commission, if the commission:
- 3293 (i) approves the use of fund money for the corridor preservation; and
- 3294 (ii) finds that the use of fund money for corridor preservation will not result in any

- 3295 delay to a project that has been prioritized by the commission.
- 3296 [(9)] (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
- 3297 Transportation Investment Fund.
- 3298 (b) The fund shall be funded by:
- 3299 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 3300 (ii) appropriations into the account by the Legislature;
- 3301 (iii) deposits of sales and use tax increment related to a housing and transit
- 3302 reinvestment zone as described in Section 63N-3-610;
- 3303 (iv) transfers of local option sales and use tax revenue as described in Subsection
- 3304 59-12-2220(11)(b) or (c);
- 3305 (v) private contributions; and
- 3306 (vi) donations or grants from public or private entities.
- 3307 (c)(i) The fund shall earn interest.
- 3308 (ii) All interest earned on fund money shall be deposited into the fund.
- 3309 (d) Subject to Subsection [(9)(e)] (10)(e), the commission may prioritize money from the
- 3310 fund:
- 3311 (i) for public transit capital development of new capacity projects and fixed guideway
- 3312 capital development projects to be used as prioritized by the commission through
- 3313 the prioritization process adopted under Section 72-1-304;
- 3314 (ii) to the department for oversight of a fixed guideway capital development project
- 3315 for which the department has responsibility; or
- 3316 (iii) up to \$500,000 per year, to be used for a public transit study.
- 3317 (e)(i) Subject to Subsections [(9)(g)] (10)(g), (h), and (i), the commission may only
- 3318 prioritize money from the fund for a public transit capital development project or
- 3319 pedestrian or nonmotorized transportation project that provides connection to the
- 3320 public transit system if the public transit district or political subdivision provides
- 3321 funds of equal to or greater than 30% of the costs needed for the project.
- 3322 (ii) A public transit district or political subdivision may use money derived from a
- 3323 loan granted pursuant to[~~Title 72, Chapter 2,~~] Part 2, State Infrastructure Bank
- 3324 Fund, to provide all or part of the 30% requirement described in Subsection [
- 3325 (9)(e)(i)] (10)(e)(i) if:
- 3326 (A) the loan is approved by the commission as required in[~~Title 72, Chapter 2,~~
- 3327 Part 2, State Infrastructure Bank Fund; and
- 3328 (B) the proposed capital project has been prioritized by the commission pursuant

- 3329 to Section 72-1-303.
- 3330 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 3331 an agreement for a large public transit district to pay the department \$5,000,000 per
- 3332 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 3333 emissions rail engines and trainsets for regional public transit rail systems.
- 3334 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
- 3335 (i) the commission may prioritize money from the fund for public transit projects,
- 3336 operations, or maintenance within the county of the first class; and
- 3337 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.
- 3338 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
- 3339 (i) the commission may prioritize public transit projects, operations, or maintenance
- 3340 in the county from which the revenue was generated; and
- 3341 (ii) Subsection ~~[(9)(e)]~~ (10)(e) does not apply.
- 3342 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
- 3343 the project described in Subsection ~~[(9)(e)]~~ (10)(e) does not apply to a public transit
- 3344 capital development project or pedestrian or nonmotorized transportation project that
- 3345 the department proposes.
- 3346 (j) In accordance with Part [3] 4, Public Transit Innovation Grants, the commission may
- 3347 prioritize money from the fund for public transit innovation grants, as defined in
- 3348 Section 72-2-401, for public transit capital development projects requested by a
- 3349 political subdivision within a public transit district.
- 3350 ~~[(40)]~~ (11)(a) There is created in the Transportation Investment Fund of 2005 the
- 3351 Cottonwood Canyons Transportation Investment Fund.
- 3352 (b) The fund shall be funded by:
- 3353 (i) money deposited into the fund in accordance with Section 59-12-103;
- 3354 (ii) appropriations into the account by the Legislature;
- 3355 (iii) private contributions; and
- 3356 (iv) donations or grants from public or private entities.
- 3357 (c)(i) The fund shall earn interest.
- 3358 (ii) All interest earned on fund money shall be deposited into the fund.
- 3359 (d) The Legislature may appropriate money from the fund for public transit or
- 3360 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 3361 (e) The department may use up to 2% of the revenue deposited into the account under
- 3362 Subsection 59-12-103(7)(b) to contract with local governments as necessary for

3363 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

3364 ~~[(11)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active

3365 Transportation Investment Fund.

3366 (b) The fund shall be funded by:

3367 (i) money deposited into the fund in accordance with Section 59-12-103;

3368 (ii) appropriations into the account by the Legislature; and

3369 (iii) donations or grants from public or private entities.

3370 (c)(i) The fund shall earn interest.

3371 (ii) All interest earned on fund money shall be deposited into the fund.

3372 (d) The executive director may only use fund money to pay the costs needed for:

3373 (i) the planning, design, construction, maintenance, reconstruction, or renovation of

3374 paved pedestrian or paved nonmotorized trail projects that:

3375 (A) are prioritized by the commission through the prioritization process for new

3376 transportation capacity projects adopted under Section 72-1-304;

3377 (B) serve a regional purpose; and

3378 (C) are part of an active transportation plan approved by the department or the

3379 plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);

3380 (ii) the development of a plan for a statewide network of paved pedestrian or paved

3381 nonmotorized trails that serve a regional purpose; and

3382 (iii) the administration of the fund, including staff and overhead costs.

3383 ~~[(12)]~~ (13)(a) As used in this Subsection ~~[(12)]~~ (13), "commuter rail" means the same as

3384 that term is defined in Section 63N-3-602.

3385 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail

3386 Subaccount.

3387 (c) The subaccount shall be funded by:

3388 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

3389 (ii) appropriations into the subaccount by the Legislature;

3390 (iii) private contributions; and

3391 (iv) donations or grants from public or private entities.

3392 (d)(i) The subaccount shall earn interest.

3393 (ii) All interest earned on money in the subaccount shall be deposited into the

3394 subaccount.

3395 (e) As prioritized by the commission through the prioritization process adopted under

3396 Section 72-1-304 or as directed by the Legislature, the department may only use

3397 money from the subaccount for projects that improve the state's commuter rail
3398 infrastructure, including the building or improvement of grade-separated crossings
3399 between commuter rail lines and public highways.

3400 (f) Appropriations made in accordance with this section are nonlapsing in accordance
3401 with Section 63J-1-602.1.

3402 Section 33. Section **72-2-402** is amended to read:

3403 **72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.**

3404 (1) In accordance with Section 72-2-403, the commission, in coordination with the
3405 department, may rank, prioritize, and provide public transit innovation grants with
3406 money derived from the following sources:

3407 (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219
3408 (11)(b); and

3409 (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of
3410 the First Class Highway Projects Fund created in Section 72-2-121.

3411 (2) In accordance with Section 72-2-124, the department may rank and prioritize public
3412 transit innovation grants for capital development to the commission, to be funded with
3413 money derived from the Transit Transportation Investment Fund as described in
3414 Subsection [~~72-2-124(9)~~] 72-2-124(10).

3415 (3) Administrative costs of the department to administer public transit innovation grants
3416 under this part shall be paid from the funds described in Subsection (1)(a).

3417 Section 34. Section **72-3-109** is amended to read:

3418 **72-3-109 (Effective 05/07/25). Division of responsibility with respect to state**
3419 **highways in cities and towns.**

3420 (1) Except as provided in Subsection (3), the jurisdiction and responsibility of the
3421 department and the municipalities for state highways within municipalities is as follows:

3422 (a) The department has jurisdiction over and is responsible for the construction and
3423 maintenance of:

3424 (i) the portion of the state highway located between the back of the curb on either
3425 side of the state highway; or

3426 (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

3427 (b) The department may widen or improve state highways within municipalities.

3428 (c)(i) A municipality has jurisdiction over all other portions of the right-of-way and is
3429 responsible for construction and maintenance of the right-of-way.

3430 (ii) If a municipality grants permission for the installation of any pole, pipeline,

3431 conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or
3432 object of any kind or character within the portion of the right-of-way under its
3433 jurisdiction:

3434 (A) the permission shall contain the condition that any installation will be
3435 removed from the right-of-way at the request of the municipality; and

3436 (B) the municipality shall cause any installation to be removed at the request of
3437 the department when the department finds the removal necessary:

3438 (I) to eliminate a hazard to traffic safety;

3439 (II) for the construction and maintenance of the state highway; or

3440 (III) to meet the requirements of federal regulations.

3441 (iii) Except as provided in Subsection (1)(h), a municipality may not install or grant
3442 permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert,
3443 billboard, advertising sign, or any other structure or object of any kind or
3444 character within the portion of the state highway right-of-way under its
3445 jurisdiction without the prior written approval of the department.

3446 (iv) The department may, by written agreement with a municipality, waive the
3447 requirement of its approval under Subsection (1)(c)(iii) for certain types and
3448 categories of installations.

3449 (d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated,
3450 reimbursement shall be made for the relocation as provided for in Section 72-6-116.

3451 (e)(i) The department shall construct curbs, gutters, and sidewalks on the state
3452 highways if necessary for the proper control of traffic, driveway entrances, or
3453 drainage.

3454 (ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks
3455 are removed, the department shall replace the curbs, gutters, or sidewalks.

3456 (f)(i) The department may furnish and install street lighting systems for state
3457 highways~~[-but their operation and maintenance is the responsibility of the~~
3458 ~~municipality].~~

3459 (ii) Except as provided in Subsection (1)(f)(iii), the department shall maintain and
3460 operate any street lighting systems that the department furnishes and installs at an
3461 intersection that includes a state highway.

3462 (iii) The department is not responsible for maintenance or operation of decorative
3463 lighting that the department installs at the request of a municipality as part of a
3464 project.

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

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

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

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

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

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

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

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

(iii) include procedures for:

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

(B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and

(iv) require written justifications for modifying or denying a permit.

(b) The department may delegate the administration of the rules to the highway authorities of a municipality.

(c) In accordance with this section and Section 72-7-104, an approach road or driveway

3499 may not be constructed on a state highway without a permit issued under this section.

3500 (3) The department has jurisdiction and control over the entire right-of-way of interstate
3501 highways within municipalities and is responsible for the construction, maintenance, and
3502 regulation of the interstate highways within municipalities.

3503 Section 35. Section **72-6-118** is amended to read:

3504 **72-6-118 (Effective 05/07/25). Definitions -- Establishment and operation of**
3505 **tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**

3506 (1) As used in this section:

3507 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
3508 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the
3509 number of persons specified for the high occupancy vehicle lane if the operator of the
3510 vehicle pays a toll or fee.

3511 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

3512 (c) "Toll lane" means a designated new highway or additional lane capacity that is
3513 constructed, operated, or maintained for which a toll is charged for its use.

3514 (d)(i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or
3515 right-of-way designed and used as a transportation route that is constructed,
3516 operated, or maintained through the use of toll revenues.

3517 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

3518 (e) "Tollway development agreement" has the same meaning as defined in Section
3519 72-6-202.

3520 (2) Subject to the provisions of Subsection (3), the department may:

3521 (a) establish, expand, and operate tollways and related facilities for the purpose of
3522 funding in whole or in part the acquisition of right-of-way and the design,
3523 construction, reconstruction, operation, enforcement, and maintenance of or impacts
3524 from a transportation route for use by the public;

3525 (b) enter into contracts, agreements, licenses, franchises, tollway development
3526 agreements, or other arrangements to implement this section;

3527 (c) impose and collect tolls on any tollway established under this section, including
3528 collection of past due payment of a toll or penalty;

3529 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
3530 pursuant to the terms and conditions of a tollway development agreement;

3531 (e) use technology to automatically monitor a tollway and collect payment of a toll,
3532 including:

- 3533 (i) license plate reading technology; and
3534 (ii) photographic or video recording technology; and
3535 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
3536 a request for registration of a motor vehicle if the motor vehicle owner has failed to
3537 pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for
3538 which registration renewal has been requested.
- 3539 (3)(a) The department may establish or operate a tollway on an existing highway if
3540 approved by the commission in accordance with the terms of this section.
- 3541 (b) To establish a tollway on an existing highway, the department shall submit a
3542 proposal to the commission including:
3543 (i) a description of the tollway project;
3544 (ii) projected traffic on the tollway;
3545 (iii) the anticipated amount of the toll to be charged; and
3546 (iv) projected toll revenue.
- 3547 (4)(a) For a tollway established under this section, the department may:
3548 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
3549 vehicle using the tollway according to the terms of the tollway;
3550 (ii) send [~~correspondence~~] notice to the owner of the motor vehicle to inform the
3551 owner of:
3552 (A) an unpaid toll and the amount of the toll to be paid to the department;
3553 (B) the penalty for failure to pay the toll timely; [~~and~~]
3554 (C) [~~a~~] any hold being placed on the owner's registration for the motor vehicle if
3555 the toll and penalty are not paid timely, which would prevent the renewal of the
3556 motor vehicle's registration; and
3557 (D) any other information required by the terms of the tollway;
3558 (iii) require that the owner of the motor vehicle pay the toll to the department within
3559 30 days of the date when the department sends written notice of the toll to the
3560 owner; and
3561 (iv) impose a penalty for failure to pay a toll timely.
- 3562 (b) The department shall [~~mail the correspondence and~~] provide the notice described in
3563 Subsection (4)(a) to the owner of the motor vehicle according to the terms of a
3564 tollway.
- 3565 (5)(a) The Division of Motor Vehicles and the department shall share and provide access
3566 to information pertaining to a motor vehicle and tollway enforcement including:

- 3567 (i) registration and ownership information pertaining to a motor vehicle;
3568 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
3569 penalty imposed under this section; and
3570 (iii) the status of a request for a hold on the registration of a motor vehicle.
- 3571 (b) If the department requests a hold on the registration in accordance with this section,
3572 the Division of Motor Vehicles may not renew the registration of a motor vehicle
3573 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has
3574 failed to pay a toll or penalty imposed under this section for usage of a tollway
3575 involving the motor vehicle for which registration renewal has been requested until
3576 the department withdraws the hold request.
- 3577 (6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,
3578 Utah Administrative Rulemaking Act, the commission shall:
- 3579 (i) set the amount of any toll imposed or collected on a tollway on a state highway;
3580 and
3581 (ii) for tolls established under Subsection (6)(b), set:
- 3582 (A) an increase in a toll rate or user fee above an increase specified in a tollway
3583 development agreement; or
3584 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
3585 tollway development agreement.
- 3586 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
3587 tollway on a state highway that is the subject of a tollway development agreement
3588 shall be set in the tollway development agreement.
- 3589 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3590 the department shall make rules:
- 3591 (i) necessary to establish and operate tollways on state highways;
3592 (ii) that establish standards and specifications for automatic tolling systems and
3593 automatic tollway monitoring technology; and
3594 (iii) to set the amount of a penalty for failure to pay a toll under this section.
- 3595 (b) The rules shall:
- 3596 (i) include minimum criteria for having a tollway; and
3597 (ii) conform to regional and national standards for automatic tolling.
- 3598 (8)(a) The commission may provide funds for public or private tollway pilot projects or
3599 high occupancy toll lanes from General Fund money appropriated by the Legislature
3600 to the commission for that purpose.

3601 (b) The commission may determine priorities and funding levels for tollways designated
3602 under this section.

3603 (9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a
3604 state highway shall be deposited into the Tollway Special Revenue Fund created in
3605 Section 72-2-120 and used for any state transportation purpose.

3606 (b) Revenue generated from a tollway that is the subject of a tollway development
3607 agreement shall be deposited into the Tollway Special Revenue Fund and used in
3608 accordance with Subsection (9)(a) unless:

3609 (i) the revenue is to a private entity through the tollway development agreement; or

3610 (ii) the revenue is identified for a different purpose under the tollway development
3611 agreement.

3612 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

3613 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
3614 Chapter 2, Government Records Access and Management Act, if the photographic or
3615 video data is maintained by a governmental entity;

3616 (b) may not be used or shared for any purpose other than the purposes described in this
3617 section;

3618 (c) may only be preserved:

3619 (i) so long as necessary to collect the payment of a toll or penalty imposed in
3620 accordance with this section; or

3621 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
3622 equivalent federal warrant; and

3623 (d) may only be disclosed:

3624 (i) in accordance with the disclosure requirements for a protected record under
3625 Section 63G-2-202; or

3626 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
3627 equivalent federal warrant.

3628 (11)(a) The department may not sell for any purpose photographic or video data
3629 captured under Subsection (2)(e)(ii).

3630 (b) The department may not share captured photographic or video data for a purpose not
3631 authorized under this section.

3632 Section 36. Section **72-6-206** is amended to read:

3633 **72-6-206 (Effective 05/07/25). Commission approval and legislative review of**
3634 **tollway development agreement provisions.**

- 3635 (1) Prior to the department entering into a tollway development agreement under Section
3636 72-6-203, the department shall submit to the commission for approval the tollway
3637 development agreement, including:
- 3638 (a) a description of the tollway facility, including the conceptual design of the facility
3639 and all proposed interconnections with other transportation facilities;
- 3640 (b) the proposed date for development, operation, or both of the tollway facility;
- 3641 (c) the proposed term of the tollway development agreement;
- 3642 (d) the proposed method to determine toll rates or user fees, including:
- 3643 (i) identification of vehicle or user classifications, or both, for toll rates;
- 3644 (ii) the original proposed toll rate or user fee for the tollway facility;
- 3645 (iii) proposed toll rate or user fee increases; and
- 3646 (iv) a maximum toll rate or user fee for the tollway facility; and
- 3647 (e) any proposed revenue, public or private, or proposed debt or equity investment that
3648 will be used for the design, construction, financing, acquisition, maintenance, or
3649 operation of the tollway facility.
- 3650 (2) Prior to amending or modifying a tollway development agreement, the department shall
3651 submit the proposed amendment or modification to the commission for approval.
- 3652 (3) The department shall annually report to the Transportation Interim Committee [~~or~~
3653 ~~another committee designated by the Legislative Management Committee~~] on the status
3654 and progress of a tollway subject to a tollway development agreement under Section
3655 72-6-203.
- 3656 Section 37. Section **72-10-109** is amended to read:
- 3657 **72-10-109 (Effective 05/07/25). Certificate of registration of aircraft required --**
3658 **Exceptions.**
- 3659 (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or
3660 cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [
3661 ~~operating~~] based in this state for 181 or more days within any consecutive 12-month
3662 period unless the aircraft has a current certificate of registration issued by the department.
- 3663 (2) The state registration requirement under Subsection (1) does not apply to:
- 3664 (a) aircraft licensed by a foreign country with which the United States has a reciprocal
3665 agreement covering the operations of the registered aircraft;
- 3666 (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by
3667 the Federal Aviation Administration to be made without the certificate of registration;
3668 or

- 3669 (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight
3670 exceeding 35,000 pounds.
- 3671 (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned
3672 aircraft system or an advanced air mobility aircraft for commercial operation for which
3673 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current
3674 certificate of registration issued by the department.
- 3675 (4) The department shall, on or before December 31 of each calendar year, provide to the
3676 State Tax Commission a list of each aircraft for which a current certificate of registration
3677 is issued by the department under Subsection (1).

3678 Section 38. **Repealer.**

3679 This bill repeals:

3680 Section **63B-8-503, Highway intent language.**

3681 Section **72-2-118, Centennial Highway Fund.**

3682 Section **72-4-222, Governor Scott Matheson and Senator Jake Garn Rest Area.**

3683 Section 39. **Effective Date.**

- 3684 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 7, 2025.
- 3685 (2) The actions affecting Section 72-2-121 take effect:
- 3686 (a) except as provided in Subsection (2)(b), May 7, 2025; or
- 3687 (b) if approved by two-thirds of all members elected to each house:
- 3688 (i) upon approval by the governor;
- 3689 (ii) without the governor's signature, the day following the constitutional time limit of
3690 Utah Constitution, Article VII, Section 8; or
- 3691 (iii) in the case of a veto, the date of veto override.
- 3692 (3) The actions affecting Section 72-2-106 (Effective 07/01/25) take effect on July 1, 2025.