

- 30 **41-1a-1201**, as last amended by Laws of Utah 2008, Chapter 143
- 31 **41-1a-1206**, as last amended by Laws of Utah 2008, Chapter 210
- 32 **63B-1-306**, as last amended by Laws of Utah 2004, Chapter 308
- 33 **63J-3-402**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 34 **72-2-124**, as last amended by Laws of Utah 2008, Chapters 153 and 389

35 ENACTS:

36 **63B-18-101**, Utah Code Annotated 1953



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

39 Section 1. Section **41-1a-1201** is amended to read:

40 **41-1a-1201. Disposition of fees.**

41 (1) All fees received and collected under this part shall be transmitted daily to the state
42 treasurer.

43 (2) Except as provided in Subsections (3), (4), ~~and~~ (6), and (7) and Sections
44 41-1a-422, 41-1a-1220, and 41-1a-1221, all fees collected under this part shall be deposited in
45 the Transportation Fund.

46 (3) (a) Funds generated under Subsections 41-1a-1211(1)(b)(i), (6)(b)(i), and (7) and
47 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs
48 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

49 (b) Fees for statehood centennial license plates shall be collected and deposited in the
50 Transportation Fund, less production and administrative costs incurred by the commission.

51 (4) All funds available to the commission for purchase and distribution of license
52 plates and decals are nonlapsing.

53 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the
54 commission in enforcing and administering this part shall be provided for by legislative
55 appropriation from the revenues of the Transportation Fund.

56 (6) (a) Except as provided in Subsection (6)(b), the following portions of the
57 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the

58 Centennial Highway Fund Restricted Account created under Section 72-2-118:

59 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
60 (2), and (5);

61 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),
62 (1)(c)(ii), and (1)(d)(ii);

63 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

64 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

65 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

66 (b) When the highway general obligation bonds have been paid off and the highway
67 projects completed that are intended to be paid from revenues deposited in the Centennial
68 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
69 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under
70 Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of
71 2005 created by Section 72-2-124.

72 (7) Twenty dollars of each registration fee collected under Subsections 41-1a-1206
73 (1)(a), (1)(b), (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5) shall be deposited in the Transportation
74 Investment Fund of 2005 created by Section 72-2-124.

75 Section 2. Section **41-1a-1206** is amended to read:

76 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

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

80 (a) [~~\$22.50~~] \$42.50 for each motorcycle;

81 (b) [~~\$21~~] \$41 for each motor vehicle of 12,000 pounds or less gross laden weight,
82 excluding motorcycles;

83 (c) unless the semitrailer or trailer is exempt from registration under Section
84 41-1a-202 or is registered under Section 41-1a-301:

85 (i) [~~\$11~~] \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

86 (ii) [~~\$8.50~~] \$28.50 for each commercial trailer or commercial semitrailer of 750
87 pounds or less gross unladen weight;

88 (d) (i) [~~\$33~~] \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000
89 pounds gross laden weight; plus

90 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight; and

91 (e) (i) [~~\$49.50~~] \$69.50 for each motor vehicle or combination of motor vehicles,
92 excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
93 weight; plus

94 (ii) [~~\$18.50~~] \$19 for each 2,000 pounds over 14,000 pounds gross laden weight.

95 (2) (a) The initial registration fee for a vintage vehicle is [~~\$20~~] \$40.

96 (b) A vintage vehicle is exempt from the renewal of registration fees under Subsection
97 (1).

98 (c) A vehicle with a Purple Heart special group license plate issued in accordance with
99 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

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

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

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

107 (5) The owner of a commercial trailer or commercial semitrailer may, as an alternative
108 to registering under Subsection (1)(c), apply for and obtain a special registration and license
109 plate for a fee of [~~\$110~~] \$130.

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

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

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

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

117 (7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a
118 fine of not less than \$200.

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

122 Section 3. Section **63B-1-306** is amended to read:

123 **63B-1-306. Obligations issued by authority -- Limitation of liability on**
124 **obligations -- Limitation on amount of obligations issued.**

125 (1) (a) All obligations issued by the authority under this part shall be limited
126 obligations of the authority and may not constitute, nor give rise to, a general obligation or
127 liability of, nor a charge against the general credit or taxing power of, this state or any of its
128 political subdivisions.

129 (b) This limitation shall be plainly stated upon all obligations.

130 (2) (a) No authority obligations incurred under this section may be issued in an
131 amount exceeding the difference between the total indebtedness of the state and an amount
132 equal to 1-1/2% of the value of the taxable property of the state.

133 (b) Debt issued under authority of the following parts or sections may not be included
134 as part of the total indebtedness of the state of Utah in determining the debt limit established
135 by this Subsection (2):

136 (i) Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond
137 Authorization;

138 (ii) Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note
139 Authorization;

140 (iii) Title 63B, Chapter 7, Part 2, 1998 Highway General Obligation Bond
141 Authorization;

- 142 (iv) Title 63B, Chapter 7, Part 3, 1998 Highway Bond Anticipation Note
143 Authorization;
- 144 (v) Title 63B, Chapter 8, Part 2, 1999 Highway General Obligation Bond
145 Authorization;
- 146 (vi) Title 63B, Chapter 8, Part 3, 1999 Highway Bond Anticipation Note
147 Authorization;
- 148 (vii) Title 63B, Chapter 9, Part 2, 2000 Highway General Obligation Bond;
149 (viii) Title 63B, Chapter 10, Part 1, 2001 Highway General Obligation Bonds;
150 (ix) Title 63B, Chapter 10, Part 2, 2001 Highway General Obligation Bond
151 Anticipation Notes Authorization;
- 152 (x) Title 63B, Chapter 11, Part 5, 2002 Highway General Obligation Bonds for Salt
153 Lake County;
- 154 (xi) Title 63B, Chapter 11, Part 6, 2002 Highway General Obligation Bond
155 Anticipation Notes for Salt Lake County; [~~and~~]
- 156 (xii) Section 63B-13-102[-];
157 (xiii) Section 63B-16-101;
158 (xiv) Section 63B-16-102; and
159 (xv) Section 63B-18-101.
- 160 (c) Debt issued under authority of Section 63B-7-503 may not be included as part of
161 the total indebtedness of the state in determining the debt limit established by this Subsection
162 (2).
- 163 (3) The obligations shall be authorized by resolution of the authority, following
164 approval of the Legislature, and may:
- 165 (a) be executed and delivered at any time, and from time to time, as the authority may
166 determine;
- 167 (b) be sold at public or private sale in the manner and at the prices, either at, in excess
168 of, or below their face value and at the times that the authority determines;
- 169 (c) be in the form and denominations that the authority determines;

- 170 (d) be of the tenor that the authority determines;
- 171 (e) be in registered or bearer form either as to principal or interest or both;
- 172 (f) be payable in those installments and at the times that the authority determines;
- 173 (g) be payable at the places, either within or without this state, that the authority
- 174 determines;
- 175 (h) bear interest at the rate or rates, payable at the place or places, and evidenced in the
- 176 manner, that the authority determines;
- 177 (i) be redeemable before maturity, with or without premium;
- 178 (j) contain any other provisions not inconsistent with this part that are considered to be
- 179 for the best interests of the authority and provided for in the proceedings of the authority under
- 180 which the bonds are authorized to be issued; and
- 181 (k) bear facsimile signatures and seals.
- 182 (4) The authority may pay any expenses, premiums, or commissions, that it considers
- 183 necessary or advantageous in connection with the authorization, sale, and issuance of these
- 184 obligations, from the proceeds of the sale of the obligations or from the revenues of the
- 185 projects involved.

186 Section 4. Section **63B-18-101** is enacted to read:

187 **Part 1. 2009 Highway General Obligation Bonds**

188 **63B-18-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
189 **projects.**

190 (1) (a) The total amount of bonds issued under this section may not exceed
191 \$2,207,000,000.

192 (b) When the Department of Transportation certifies to the commission that the
193 requirements of Subsection 72-2-124(6) have been met and certifies the amount of bond
194 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
195 next fiscal year, the commission may issue and sell general obligation bonds in an amount
196 equal to the certified amount plus costs of issuance.

197 (2) (a) Proceeds from the issuance of bonds shall be provided to the Department of

198 Transportation to pay all or part of the costs of the following state highway construction or
199 reconstruction projects:

- 200 (i) Interstate 15 reconstruction in Utah County;
- 201 (ii) the Mountain View Corridor;
- 202 (iii) the Southern Parkway; and
- 203 (iv) state and federal highways prioritized by the Transportation Commission through:
204 (A) the prioritization process for new transportation capacity projects adopted under
205 Section 72-1-304; or
206 (B) the state highway construction program.

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

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

216 (4) The Department of Transportation may enter into agreements related to the
217 projects described in Subsection (2) before the receipt of proceeds of bonds issued under this
218 section.

219 Section 5. Section **63J-3-402** is amended to read:

220 **63J-3-402. Debt limitation -- Vote requirement needed to exceed limitation --**
221 **Exceptions.**

222 (1) (a) Except as provided in Subsection (1)(b), the outstanding general obligation
223 debt of the state may not exceed 45% of the maximum allowable appropriations limit unless
224 approved by more than a two-thirds vote of both houses of the Legislature.

225 (b) Notwithstanding the limitation contained in Subsection (1)(a), debt issued under

226 the authority of the following parts or sections is not subject to the debt limitation established
227 by this section:

228 (i) Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond
229 Authorization;

230 (ii) Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note
231 Authorization;

232 (iii) Title 63B, Chapter 7, Part 2, 1998 Highway General Obligation Bond
233 Authorization;

234 (iv) Title 63B, Chapter 7, Part 3, 1998 Highway Bond Anticipation Note
235 Authorization;

236 (v) Title 63B, Chapter 8, Part 2, 1999 Highway General Obligation Bond
237 Authorization;

238 (vi) Title 63B, Chapter 8, Part 3, 1999 Highway Bond Anticipation Note
239 Authorization;

240 (vii) Title 63B, Chapter 9, Part 2, 2000 Highway General Obligation Bond;

241 (viii) Title 63B, Chapter 10, Part 1, 2001 Highway General Obligation Bond;

242 (ix) Title 63B, Chapter 10, Part 2, 2001 Highway General Obligation Bond
243 Anticipation Notes Authorization;

244 (x) Title 63B, Chapter 11, Part 5, 2002 Highway General Obligation Bond for Salt
245 Lake County;

246 (xi) Title 63B, Chapter 11, Part 6, 2002 Highway General Obligation Bond
247 Anticipation Notes for Salt Lake County Authorization;

248 (xii) Section 63B-13-102;

249 (xiii) Section 63B-16-101; [~~and~~]

250 (xiv) Section 63B-16-102[~~;~~]; and

251 (xv) Section 63B-18-101.

252 (2) This section does not apply if contractual rights will be impaired.

253 Section 6. Section **72-2-124** is amended to read:

254 **72-2-124. Transportation Investment Fund of 2005.**

255 (1) There is created a special revenue fund entitled the Transportation Investment
256 Fund of 2005.

257 (2) The fund consists of monies generated from the following sources:

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

260 (b) appropriations made to the fund by the Legislature; and

261 (c) the sales and use tax revenues deposited into the fund in accordance with Section
262 59-12-103.

263 (3) When the highway general obligation bonds have been paid off and the highway
264 projects completed that are intended to be paid from revenues deposited in the Centennial
265 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
266 under Subsection 72-2-118(6)(d), the fund shall also consist of monies generated from the
267 following sources:

268 (a) registration fees designated under Subsection 41-1a-1201(6)(a); and

269 (b) the sales and use tax amounts provided for in Section 59-12-103.

270 (4) (a) The fund shall earn interest.

271 (b) All interest earned on fund monies shall be deposited into the fund.

272 (5) (a) Except as provided in [~~Subsections~~] Subsection (5)(b) [~~and (c)~~], the executive
273 director may use fund monies only to pay:

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

277 [~~(b) The executive director may use fund monies deposited into the fund in fiscal year~~
278 ~~2006 only to pay the costs of maintenance, construction, reconstruction, or renovation to state~~
279 ~~and federal highways prioritized by the Transportation Commission.]~~

280 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
281 highway projects described in Subsection 63B-18-101(2); and

282 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-101.

283 [~~e~~] (b) The executive director may use fund monies to exchange for an equal or
284 greater amount of federal transportation funds to be used as provided in Subsection (5)(a).

285 (6) (a) Before bonds authorized by Section 63B-18-101 may be issued in any fiscal
286 year, the department and the commission shall appear before the Executive Appropriations
287 Committee of the Legislature and present the amount of bond proceeds that the department
288 needs to provide funding for the projects identified in Subsection 63B-18-101(2) for the next
289 fiscal year.

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

292 (7) The Division of Finance shall, from monies deposited into the fund, transfer the
293 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
294 Section 63B-18-101 in the current fiscal year to the appropriate debt service or sinking fund.

295 Section 7. **Effective date.**

296 This bill takes effect on July 1, 2009.