

**MINUTES OF THE SENATE
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY
STANDING COMMITTEE
WEDNESDAY, FEBRUARY 25, 2009, 4:10 P.M.
ROOM 215, SENATE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Steve Urquhart, Chair
Sen. David Hinkins
Sen. Kevin VanTassell
Sen. Brent Goodfellow
Sen. Karen Mayne

Members Excused: Sen. Sheldon Killpack
Sen. Peter Knudson

Staff Present: Leif Elder, Policy Analyst
Cami Deavila, Secretary

Public Speakers Present: Claire Geddes, Citizen
Wayne Jones, Independent Auto Dealers Association
Steve Williamson, Utah Auto Dealers Association
Roger Ball, Utah Rate Payers Association
Tim Funk, Crossroads Urban Center
Michele Beck, Director, Committee of Consumer Services
Wendell Gibby, Private Property Owner
Barbara Turnbow, Secretary, Utah Professional Towing
Association
Chris Purcell, General Counsel, State Farm
Betsy Wolf, Salt Lake Community Action Program
Jodi Hoffman, Attorney, Utah League of Cities and Towns
Shawn Yadon, Copart

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Urquhart called the meeting to order at 4:27 p.m.

1. HB0324, Motor Vehicle Business Regulation Act Amendments (*F. Gibson*)

Rep. Gibson introduced the bill.

Mr. Jones spoke for the bill.

MOTION: Sen. Goodfellow moved to pass H.B. 324, Motor Vehicle Business Regulation Act Amendments, out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Goodfellow moved to place H.B. 324, Motor Vehicle Business Regulation Act Amendments, on the consent calendar.

The motion passed unanimously.

2. SB0269, Public Utility Easement Amendments (G. Bell)

Sen. Bell introduced the bill.

MOTION: Sen. Goodfellow moved to amend S.B. 269, Public Utility Easement Amendments, as follows:

1. *Page 1, Lines 16 through 18:*

16 ▶ provides that a gas corporation's or electric corporation's failure to possess,
 occupy, or use a protected utility
17 easement does not diminish or extinguish the gas corporation's or electric
corporation's rights under the
18 easement.

2. *Page 2, Lines 31 through 33:*

31 (a) "Protected utility easement" means a recorded easement or right-of-way:
32 (i) for the use and installation of a utility facility; and
33 (ii) the ownership of which a gas corporation or electric corporation acquires
and holds by any lawful means.

3. *Page 3, Lines 60 through 65:*

60 (6) A person may not acquire, whether by adverse possession, prescription,
acquiescence, or
61 otherwise, any right, title, or interest in a public utility easement or protected utility
easement
62 that is adverse to or interferes with a public utility's full use of the easement for the
purposes
63 for which the easement was created.
64 (7) A gas corporation's or electric corporation's failure to possess, occupy, or
use a protected utility easement
65 does not diminish or extinguish any right that the gas corporation or electric
corporation has under the easement.

The motion passed unanimously.

Ms. Hoffman spoke for the bill.

MOTION: Sen. Van Tassell moved to pass S.B. 269, Public Utility Easement Amendments, as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

Sen. Van Tassell assumed the chair.

3. SB0193, Salvage Vehicles Amendments (*S. Urquhart*)

Sen. Urquhart introduced the bill.

MOTION: Sen. Urquhart moved to amend S.B. 193, Salvage Vehicles Amendments, as follows:

1. *Page 1, Lines 20 through 22:*

- 20 ▶ provides that ~~{a person}~~ an operator of a motor vehicle auction may
only offer for sale, sell, or exchange five vehicles with
21 salvage certificates at or through a motor vehicle auction ~~{-annually-}~~ in any 12
month period to an in-state
22 purchaser that does not have a salvage vehicle buyer license;

2. *Page 1, Lines 26 through 27:*

- 26 ▶ provides that ~~{a person}~~ an operator of a motor vehicle auction may
not offer for sale, sell, or exchange additional vehicles
27 with a salvage certificate to a purchaser if notified that the purchaser has not titled

3. *Page 3, Lines 87 through 89:*

- 87 (d) ~~{A person}~~ An operator of a motor vehicle auction may only offer for
sale, sell, or exchange five vehicles with a salvage
88 certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction
~~{-annually-}~~ in any 12 month period to
89 an in-state purchaser that does not have a salvage vehicle buyer license issued in
accordance

4. *Page 4, Lines 91 through 94:*

- 91 (e) (i) An in-state purchaser of a vehicle with a salvage certificate as defined in

Section

92 41-1a-1001 that is purchased at or through a motor vehicle auction shall title the vehicle
93 within
94 15 days of the purchase if the purchaser does not have a salvage vehicle buyer license ~~;~~
dealer license, body shop license, or dismantler license issued in
94 accordance with Subsection 41-3-202 ~~{(15)}~~ .

5. *Page 4, Lines 95 through 97:*

95 (ii) ~~{A person}~~ An operator of a motor vehicle auction may not offer for
96 sale, sell, or exchange additional vehicles with a salvage
97 certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction
to a purchaser if notified that the purchaser has not titled previously purchased
97 vehicles with a salvage certificate as required under Subsection (3)(e)(i).

6. *Page 7, Lines 191 through 195:*

191 (vii) special plate violation; ~~{+}~~ and ~~{+}~~
192 (viii) failing to maintain a sign at a principal place of business ~~{;and}~~
193 ~~—(ix) failing to title a vehicle with a salvage certificate that is purchased at or~~
~~through a~~
194 motor vehicle auction within 15 days of the purchase as required under Subsection
195 41-3-201(3)(e) } .

7. *Page 8, Line 215:*

215 purchasers ~~;~~ and
(xi) failing to title a vehicle with a salvage certificate that is purchased at or
through a motor vehicle auction within 15 days of the purchase as required under
Subsection 41-3-201(3)(e) .

The motion passed unanimously.

Mr. Yadon, Mr. Jones and Mr. Williamson spoke for the bill.

MOTION: Sen. Mayne moved to pass S.B.193, Salvage Vehicles Amendments, as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Urquhart moved to place S.B. 193, Salvage Vehicles Amendments, as amended, on the consent calendar.

The motion passed unanimously.

Sen. Urquhart resumed the chair.

4. SB0214, Office of Consumer Services Act (*J. Valentine*)

Sen. Valentine introduced the bill.

MOTION: Sen. Hinkins moved to amend S.B. 214, Office of Consumer Services Act, as follows:

1. *Page 4, Lines 112 through 114:*

112 (b) The director shall serve for a term of ~~{four}~~ six years.

113 (c) For purposes of the individual who is the director on May 12, 2009, that

114 individual's ~~{four}~~ six -year term is considered to begin on July 1, 2009.

The motion passed unanimously.

Ms. Geddes and Mr. Ball spoke against the bill. Mr. Funk, Ms. Wolf, and Ms. Beck spoke to the bill.

MOTION: Sen. Hinkins moved to pass S.B. 214, Office of Consumer Services Act, as amended, out of committee with a favorable recommendation.

The motion passed with Sens. Goodfellow and Mayne voting Nay.

5. SB0221, Dedication and Abandonment of a Highway (*M. Madsen*)

Sen. Madsen introduced the bill.

Mr. Gibby spoke for the bill.

MOTION: Sen. Van Tassell moved to move to the next agenda item.

The motion passed unanimously.

6. SB0112, Vehicle Towing Amendments (*T. Kiser*)

Sen. Kiser introduced the bill.

Mr. Purcell and Ms. Turnbow spoke for the bill.

MOTION: Sen. Goodfellow moved to pass S.B. 112, Vehicle Towing Amendments, out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Urquhart moved to place S.B. 112, Vehicle Towing Amendments, on the consent calendar.

The motion passed unanimously.

MOTION: Sen. Van Tassell moved to adjourn.

The motion passed unanimously.

Sen Urquhart adjourned the meeting at 6:05 p.m.

Minutes reported by Cami Deavila, Secretary.

Sen. Steve Urquhart, Committee Chair