

**MINUTES OF THE SENATE TRANSPORTATION &
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
ROOM 215, SENATE BUILDING
FRIDAY, FEBRUARY 17, 2012**

Members Present: Sen. Kevin T. Van Tassell, Chair
 Sen. Stuart Adams
 Sen. Scott K. Jenkins
 Sen. Peter C. Knudson
 Sen. Karen Mayne

Staff Present: Mr. Leif Elder, Policy Analyst
 Ms. Karen Allred, Committee Secretary

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

Chair Van Tassell called the meeting to order at 2:11 p.m.

Approval of Minutes

MOTION: Sen. Jenkins moved to approve the minutes of the February 13, 2012 meeting. The motion passed unanimously.

H.B. 293 Amendments to Vehicle Oversize and Overweight Permits (*Rep. W. Harper*)

Rep. Harper introduced and explained the bill and answered questions from the committee.

MOTION: Sen. Jenkins moved to transmit **H.B. 293** with a favorable recommendation. The motion passed unanimously.

MOTION: Sen. Jenkins moved to place **H.B. 293** on the Consent Calendar. The motion passed unanimously.

**1st Sub. H.C.R. 7 Concurrent Resolution Designating Veterans Memorial Highway
(*Rep. C. Herrod*)**

Sen. Valentine introduced and explained the bill.

Spoke for the bill. Andrew Wilson, Veteran

MOTION: Sen. Knudson moved to transmit **1st Sub. HCR 7** with a favorable recommendation. The motion passed unanimously.

MOTION: Sen. Mayne moved to place **1st Sub. HCR 7** on the Consent Calendar. The motion passed unanimously.

Sen. Adams assumed the Committee Chair.

H.B. 317 Traffic Safety Amendments (Rep. D. Ipson)

Sen. Van Tassell introduced and explained the bill.

MOTION: Sen. Van Tassell moved to transmit **H.B. 317** with a favorable recommendation.

MOTION: Sen. Van Tassell moved to place **H.B. 317** on the Consent Calendar. The motion passed unanimously.

Sen.. Van Tassell resumed the Committee Chair.

S.B. 68 New Automobile Franchise Act Amendments (Sen. S. Jenkins)

MOTION: Sen. Jenkins moved to adopt **1st Sub. S.B. 68**. The motion passed unanimously.

MOTION: Sen. Jenkins moved to adopt the following amendments:

1. Page 13, Line 390:

390 incentive, or program that is offered to but declined ~~or not accepted~~ by a franchisee, even if a similar payment

2. Page 14, Lines 402 through 410:

402 (14) ~~(a)~~ Subsection (1)(pp)(i) does not apply to:

403 ~~(a)~~ (i) signage purchased by a franchisee in which the franchisor has an intellectual

404 property right; or

405 ~~(b)~~ (ii) a good used in a facility construction, alteration, or remodel that is:

406 ~~(i)~~ (A) a moveable interior display that contains material subject to a franchisor's

407 intellectual property right; or

408 ~~(ii)~~ (B) specifically eligible for reimbursement of over one-half its cost pursuant to a

409 franchisor or distributor program or incentive granted to the franchisee on reasonable, written

410 terms.

(b) Subsection (1)(pp)(ii) may not be construed to allow a franchisee to:
(i) impair or eliminate a franchisor's intellectual property right; or
(ii) erect or maintain a sign that does not conform to the franchisor's reasonable
fabrication specifications and intellectual property usage guidelines.

The motion passed unanimously.

Sen. Jenkins introduced and explained the bill assisted by Craig Bickmore, New Car Dealers Association.

Shane Topham, Attorney, New Car Dealers of Utah further clarified the bill and answered questions from the committee.

Spoke to the bill: Lincoln Shurtz, Government Affairs, General Motors
Frank Pignanelli, American Alliance of Automobile Dealers

MOTION: Sen. Knudson moved to transmit **1st Sub. S.B. 68** as amended with a favorable recommendation. The motion passed unanimously.

H.B. 266 Driver Education Amendments (Rep. B. Daw)

MOTION: Sen. Jenkins moved to adopt the following amendment:

1. *Page 1, Lines 13 through 19*
House Committee Amendments
1-27-2012:

13 ▶ provides that the Driver License Division may not license a person who is

13a ~~18~~ → [18] 19 ← ~~18~~ years

14 of age or older **and who has not completed an approved course in driver**
training unless the person:

- 15 • ~~{has completed an approved course in driver training; or}~~ **holds**
a learner permit for three months before applying for an original class
D license; and

16 • certifies that the person, under the authority of a learner permit issued by
the

17 Driver License Division, has completed at least 40 hours of driving a motor

18 vehicle, of which at least 10 hours were completed during night hours after

19 sunset; and

2. *Page 2, Lines 39 through 41*
House Committee Amendments
1-27-2012:

39 (iii) if the person is $\hat{H} \rightarrow [18] 19 \leftarrow \hat{H}$ years of age or older . has not completed:
40 (A) a course in driver training approved by the commissioner; or
41 (B) the ~~{driving requirement}~~ requirements under Subsection
53-3-210.5(6)(c);

3. *Page 11, Lines 320 through 325*
House Committee Amendments
1-27-2012:

320 (c) An applicant is exempt from the requirement under Subsection (6)(a)(i) if the
321 applicant:
322 (i) is $\hat{H} \rightarrow [18] 19 \leftarrow \hat{H}$ years of age or older; ~~{and}~~ =
(ii) holds a learner permit for three months before applying for an original class
D license; and
323 ~~{(ii)}~~ (iii) certifies that the applicant, under the authority of a permit issued
under this chapter,
324 has completed at least 40 hours of driving a motor vehicle, of which at least 10 hours were
325 completed during night hours after sunset.

The motion passed unanimously.

Rep. Daw introduced and explained the bill assisted by Leif Elder, Office of Legislative Research and General Counsel.

Spoke for the bill: Annette Rolfe, Driver License Division
Lauren Petty, Intern from Arizona

Spoke against the bill: Wade Campbell, former Driver License Examiner

MOTION: Sen. Jenkins moved to transmit **H.B. 266** as amended with a favorable recommendation. The motion passed with Sen. Mayne voting in opposition and Sen. Knudson absent for the vote.

S.B. 65 **Alternative Energy Development Tax Incentives** (*Sen. J. S. Adams*)

MOTION: Sen. Adams moved to adopt **1st Sub. S.B. 65**. The motion passed unanimously.

Sen. Adams introduced and explained the bill.

Spoke for the bill: Amanda Smith, Energy Advisor
 Jeff Hartley, Unconventional Fuel Developers

Spoke to the bill: Matt Pacenza, Policy Director, HEAL Utah

MOTION: Sen. Adams moved to transmit **1st Sub. S.B. 65** with a favorable recommendation.
The motion passed unanimously with Sen. Knudson absent for the vote.

MOTION: Sen. Jenkins moved to adjourn. The motion passed unanimously with Sen.
Knudson absent for the vote. Chair Van Tassell adjourned the meeting at
4:04 p.m.

Sen. Kevin T Van Tassell, Committee Chair