

1 **DEPARTMENT OF TRANSPORTATION LIABILITY**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: Derek E. Brown

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Transportation Code by amending provisions relating to the
11 Department of Transportation's duty for liability purposes.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that the Department of Transportation shall exercise reasonable care in
15 designing, constructing, and maintaining a state highway in a reasonably safe
16 condition for travel;

17 ▶ provides that nothing in the Department of Transportation's defined responsibilities
18 shall be construed as:

- 19 • creating a private right of action; or
- 20 • expanding or changing the department's common law duty for liability purposes;

21 and

22 ▶ makes technical corrections.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **72-1-201**, as last amended by Laws of Utah 2011, Chapter 66

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

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

72-1-201. Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

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

~~[(1)]~~ (a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;

~~[(2)]~~ (b) provide administration for state transportation systems and programs;

~~[(3)]~~ (c) implement the transportation policies of the state;

~~[(4)]~~ (d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;

~~[(5)]~~ (e) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;

~~[(6)]~~ (f) advise the governor and the Legislature about state transportation systems needs;

~~[(7)]~~ (g) coordinate with utility companies for the reasonable, efficient, and cost-effective installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;

~~[(8)]~~ (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make policy and rules for the administration of the department, state transportation systems, and programs; and

~~[(9)]~~ (i) annually report to:

~~[(a)]~~ (i) the Transportation Interim Committee, by November 30 of each year, as to the operation and maintenance needs for highways; and

~~[(b)]~~ (ii) an appropriate legislative committee as designated by the Legislative

58 Management Committee the transfers that need to be made between all transportation-related
59 funds to maintain the state highway construction program as prioritized by the commission.

60 (2) (a) The department shall exercise reasonable care in designing, constructing, and
61 maintaining a state highway in a reasonably safe condition for travel.

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

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

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

65 Subsection (2)(a) for liability purposes.