

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



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

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

33 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
34 **rights, and responsibilities.**

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

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

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

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

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

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

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

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

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

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

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

57 ~~[(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.

Legislative Review Note
as of 1-23-13 3:52 PM

Office of Legislative Research and General Counsel