

## SB0139S04 compared with SB0139S03

~~{deleted text}~~ shows text that was in SB0139S03 but was deleted in SB0139S04.

inserted text shows text that was not in SB0139S03 but was inserted into SB0139S04.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Wayne A. Harper}~~Representative Johnny Anderson proposes the following substitute bill:

### TRANSPORTATION FUNDING REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Johnny Anderson

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#### LONG TITLE

##### General Description:

This bill modifies ~~{motor vehicle registration}~~transportation funding provisions.

##### Highlighted Provisions:

This bill:

- ▶ ~~{provides definitions;~~ → amends the Clean Fuels and Vehicle Technology Fund to authorize fund monies to be used to provide grants for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle; → enact  
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- ▶ provides that for fiscal year 2014-15 only, a portion of the revenue in the County of the First Class State Highway Projects Fund shall be transferred to the legislative body of a county of the first class to be used for certain purposes; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

~~{ This bill takes effect on January 1, 2015.~~

{ None

**Utah Code Sections Affected:**

AMENDS:

~~{19-1-403, as last amended by Laws of Utah 2011, Chapter 303~~

~~41-1~~  
~~a-10~~  
~~2,63~~  
~~B-18~~  
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~~{41-1a-1201}~~ 72-2-121, as last amended by Laws of Utah ~~{2012, Chapters 207, 207,~~  
~~356, 356, 397 and last amended by Coordination Clause, Laws of Utah 2012,~~

~~Chapter 397~~ — ~~41-1a-1206~~, as last amended by Laws of Utah 2012, Chapters  
356, 356, 397 and last amended by Coordination Clause,  
Laws of Utah 2012, Chapter 397 — ~~41-3-301~~, as last

amended by  
Laws of  
Utah 2008,  
Chapter 382  
~~41-3-302~~, as  
last  
amended by  
Laws of  
Utah 2008,  
Chapter 382  
ENACTS:  
~~41-1a-1225~~,  
Utah Code  
Annotated  
~~1953~~, 2013,  
Chapter 389

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

Section 1. Section ~~{19-1-403}~~ 63B-18-401 is amended to read:

~~{19-1-403}~~ 63B-18-401. ~~{Clean Fuels and Vehicle Technology Fund -- Contents --~~  
~~Loans or grants made with fund money}~~ Highway bonds -- Maximum amount -- Use of  
proceeds for highway projects.

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(1) (a) ~~{There is created a revolving fund known as the Clean Fuels and Vehicle Technology Fund.~~

~~———— (b) The fund consists of: ——— (i) electric vehicle administration fees deposited in accordance with Section 41-1a-1225; ——— [(i)] (ii) appropriations to the fund; — [(ii)] (iii) other public and private contributions made under Subsection (1)(c); ——— [(iii)] (iv) interest earnings on cash balances; and ——— [(iv)] (v) all money collected for loan repayments and interest on loans.~~

~~———— (c) The department may accept contributions from other public and private sources for deposit into the fund.~~

~~———— (2) (a) The total amount of bonds issued under this section may not exceed \$2,077,000,000.~~

~~(b) When the Department of Transportation certifies to the commission that the requirements of Subsection 72-2-124(5) have been met and certifies the amount of bond proceeds that it needs to provide funding for the projects described in Subsection (2) for the next fiscal year, the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.~~

~~(2) Except as provided in ~~{Subsection (3), the department may make a loan or a grant with money available in the fund for: ——— (i) the conversion of a private sector business vehicle or a government vehicle to use a clean fuel, if certified by the Air Quality Board under Subsection 19-1-405(1)(a); — (ii) the purchase of: — (A) an OEM vehicle for use as a private sector business vehicle or government vehicle; or — (B) a vehicle, certified by the Air Quality Board under Subsection 19-1-405(1)(d), for use as a private sector business vehicle or government vehicle; — (iii) the retrofit, certified by the Air Quality Board under Subsection 19-1-405(1)(d), of a private sector business vehicle or government vehicle; ——— (iv) a fuel system, certified by the Air Quality Board under Subsection 19-1-405(1)(d), for a private sector business vehicle or government vehicle; or — (v) a state match of a federal or nonfederal grant for any item under this Subsection (2)(a):~~~~

~~———— (b) The amount of a loan for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A) may not exceed: — (i) the actual cost of the vehicle conversion; ——— (ii) the incremental cost of purchasing the OEM vehicle; or ——— (iii) the cost of purchasing the OEM vehicle if there is no documented incremental cost.~~

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~~\_\_\_\_\_ (c) The amount of a grant for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A) may not exceed: \_\_\_\_\_ (i) 50% of the actual cost of the vehicle conversion minus the amount of any tax credit claimed;~~

Subsections (3) and (4), proceeds from the issuance of bonds shall be provided to the Department of Transportation to pay all or part of the costs of the following state highway construction or reconstruction projects:

(a) Interstate 15 reconstruction in Utah County;

(b) the Mountain View Corridor;

(c) the Southern Parkway; and

(d) state and federal highways prioritized by the Transportation Commission through:

(i) the prioritization process for new transportation capacity projects adopted under

~~Section {59-7-605 or 59-10-1009 for the vehicle for which a grant is requested; or \_\_\_\_\_ (ii) 50% of the incremental cost of purchasing an OEM vehicle minus the amount of any tax credit claimed under Section 59-7-605 or 59-10-1009 for the vehicle for which a grant is requested.~~

~~\_\_\_\_\_ (d) (i) } 72-1-304; or~~

(ii) the state highway construction program.

(3) (a) Except as provided in Subsection (3) and subject to the availability of money in the fund, the department may make a loan or grant for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle:

~~\_\_\_\_\_ (ii) The maximum amount loaned or granted per installation of refueling equipment may not exceed the actual cost of the refueling equipment.~~

~~\_\_\_\_\_ [(iii) } 5), the bond proceeds issued under this section shall be provided to the Department of Transportation.~~

(b) The Department of Transportation shall use bond proceeds and the funds provided to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highways:

(i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street interchange to Payson;

(ii) \$28 million for improvements to Riverdale Road in Ogden;

(iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

(iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and Richardson Flat Road;

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(v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore

### Road:

(vi) \$7 million for 2600 South interchange modifications in Woods Cross;

(vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder

### County:

(viii) \$18 million for the Provo west-side connector;

(ix) \$8 million for interchange modifications on I-15 in the Layton area;

(x) \$3,000,000 for an energy corridor study and environmental review for

### improvements in the Uintah Basin;

(xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

(xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State

### University campus to create improved access to an institution of higher education;

(xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's

### Office of Economic Development for transportation infrastructure improvements associated

### with annual tourism events that have:

(A) a significant economic development impact within the state; and

(B) significant needs for congestion mitigation;

(xiv) [~~\$4,500,000~~] \$1,377,700 to be provided to the Governor's Office of Economic

### Development for transportation infrastructure acquisitions and improvements that have a

### significant economic development impact within the state;

(xv) \$3,122,300 for transportation improvements that have a significant economic

### development impact within the state;

[~~(xv)~~] (xvi) \$125,000,000 to pay all or part of the costs of state and federal highway

### construction or reconstruction projects prioritized by the Transportation Commission through

### the prioritization process for new transportation capacity projects adopted under Section

### 72-1-304; and

[~~(xvi)~~] (xvii) \$10,000,000 for the Transportation Fund to pay all or part of the costs of

### state and federal highway construction or reconstruction projects as prioritized by the

### Transportation Commission.

(4) (a) The Department of Transportation shall use bond proceeds and the funds under

### Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political

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subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highway or transit projects in Salt Lake County or in a municipality with a boundary that is located within more than one county and a portion of the municipality is within Salt Lake County:

(i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

(ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200

South and pedestrian crossings and system connections;

(iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake

Community College Road;

(iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from

6200 South to 8600 South;

(v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from

1300 West to S.R. 111;

(vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

(vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200

West to 700 West;

(viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

(ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State

Street to 900 East;

(x) \$1,800,000 to Murray City for highway improvements to 1300 East;

(xi) \$3,000,000 to South Salt Lake City for intersection improvements on West

Temple, Main Street, and State Street;

(xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from

5600 West to Mountain View Corridor;

(xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from

Parkway Boulevard to SR-201 Frontage Road;

(xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from

4800 West to 7200 West and pedestrian crossings;

(xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800

West to 5600 West;

(xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from

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### 12600 South to Riverton Boulevard:

(xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon:

(xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal Boulevard:

(xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15 to 1000 West:

(xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter Rockwell Boulevard:

(xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

(A) a circulator study; and

(B) a mountain transport study; and

(xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

(b) (i) Before providing funds to a municipality or county under this Subsection (4), the Department of Transportation shall obtain from the municipality or county:

(A) a written certification signed by the county or city mayor or the mayor's designee certifying that the municipality or county will use the funds provided under this Subsection (4) solely for the projects described in Subsection (4)(a); and

(B) other documents necessary to protect the state and the bondholders and to ensure that all legal requirements are met.

(ii) Except as provided in Subsection (3) and subject to the availability of money in the fund, the department may make a grant for a state match of a federal or nonfederal grant for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle.] [(3) The department may not make a loan or grant under this part for an electric-hybrid vehicle.] ~~[(4)] (3)~~ The department may: (a) reimburse itself for the costs incurred in administering the fund from: (i) the fund; or (ii) application fees; and (b) establish an application fee for a loan or grant from the fund by following the procedures and requirements of Section 63J-1-504.

~~[(5)] (4) (a) The fund balance may not exceed \$10,000,000.~~

~~(b) Interest on cash balances and repayment of loans in excess of the amount;~~ 4(c), by January 1 of each year, the municipality or county receiving funds described in this Subsection

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(4) shall submit to the Department of Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to pay project costs for the projects described in Subsection (4)(a).

(iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1, the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs for the next fiscal year based upon the statement of cash flow submitted by the municipality or county.

(iv) Upon the financial close of each project described in Subsection (4)(a), the municipality or county receiving funds under this Subsection (4) shall submit a statement to the Department of Transportation detailing the expenditure of funds received for each project.

(c) For calendar year 2012 only:

(i) the municipality or county shall submit to the Department of Transportation a statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

(ii) the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs based upon the statement of cash flow.

(5) Twenty million dollars of the bond proceeds issued under this section and funds available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make funds available for transportation infrastructure loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund.

(6) The costs under Subsections (2), (3), and (4) may include the costs of studies necessary to ~~{maintain the fund balance at \$10,000,000 shall be deposited in the General Fund: — [(6)] (5) (a) Loans made from money in the fund shall be supported by loan documents evidencing the intent of the borrower to repay the loan:~~

~~— (b) The original loan documents shall be filed with the Division of Finance and a copy shall be filed with the department.~~

†make transportation infrastructure improvements, the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued

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under the authority of this title, and all related engineering, architectural, and legal fees.

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

(8) The Department of Transportation may enter into agreements related to the projects described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under this section.

(9) The Department of Transportation may enter into a new or amend an existing interlocal agreement related to the projects described in Subsections (3) and (4) to establish any necessary covenants or requirements not otherwise provided for by law.

Section 2. Section ~~{41-1a-102}~~72-2-121 is amended to read:

~~{41-1a-102. Definitions. As used in this chapter: (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.~~

~~———— (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.~~

~~———— (3) "All-terrain type I vehicle" has the same meaning provided in Section 41-22-2.~~

~~———— (4) "All-terrain type II vehicle" has the same meaning provided in Section 41-22-2.~~

~~———— (5) "Amateur radio operator" means any person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.~~

~~———— (6) "Branded title" means a title certificate that is labeled: (a) rebuilt and restored to operation; (b) flooded and restored to operation; or (c) not restored to operation.~~

~~———— (7) "Camper" means any structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.~~

~~———— (8) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.~~

~~———— (9) "Certified scale weigh ticket" means a weigh ticket that has been issued by a~~

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~~weighmaster:~~

~~———— (10) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the~~ 72-2-121. County of the First Class State Highway Projects Fund.

(1) There is created a special revenue fund within the Transportation Fund known as the "County of the First Class State Highway Projects Fund."

(2) The fund consists of money generated from the following revenue sources:

(a) any voluntary contributions received for new construction, major renovations, and improvements to state highways within a county of the first class;

(b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited in or transferred to the fund;

(c) the portion of the sales and use tax described in Subsection 59-12-2217(2)(b) and required by Subsection 59-12-2217(8)(b) to be deposited in or transferred to the fund; and

(d) a portion of the local option highway construction and transportation ~~{of persons or property that operates: — (a) as a carrier for hire, compensation, or profit; or (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.~~

~~———— (11) "Commission" means the State Tax Commission.~~

~~———— (12) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.~~

~~———— (13) "Division" means the Motor Vehicle Division of the commission, created in~~ corridor preservation fee imposed in a county of the first class under Section ~~{41-1a-106.~~

~~———— (14) "Electric vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system. [(14)] (15) "Essential~~

~~parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.~~

~~———— [(15)] (16) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

~~———— [(16)] (17) (a) "Farm truck" means a truck used by the owner or operator of a farm~~

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~~solely for his own use in the~~ 41-1a-1222 deposited in or transferred to the fund.

(3) (a) The fund shall earn interest.

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

(4) The executive director shall use the fund money only:

(a) to pay debt service and bond issuance costs for bonds issued under Sections 63B-16-102 and 63B-18-402;

(b) for right-of-way acquisition, new construction, major renovations, and improvements to state highways within a county of the first class and to pay any debt service and bond issuance costs related to those projects;

(c) for fiscal year 2012-13 only, to pay for or to provide funds to a municipality or county to pay for a portion of right-of-way acquisition, construction, reconstruction, renovations, and improvements to highways described in Subsections 72-2-121.4(7), (8), and (9);

(d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts transferred in accordance with Subsection 72-2-124(4)(a)(iv);

(e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects described in Subsection 63B-18-401(4)(a); ~~and~~

(f) for a fiscal year beginning on or after July 1, 2013, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to 50% of the revenue generated by the local option highway construction and transportation ~~{of: (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; (ii) farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.~~

~~\_\_\_\_\_ (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.~~

~~\_\_\_\_\_ [(17)] (18) "Fleet" means one or more commercial vehicles.~~

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~~[(18)] (19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.~~

~~[(19)] (20) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.~~

~~[(20)] (21) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.~~

~~[(21)] (22) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.~~

~~(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.~~

~~[(22)] (23) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.~~

~~[(23)] (24) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.~~

~~(b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.~~

~~[(24)] (25) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.~~

~~[(25)] (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.~~

~~[(26)] (27) "Lienholder" means a person with a security interest in particular property.~~

~~[(27)] (28) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a~~

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~~dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.~~

~~——— [(28)] (29) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.~~

~~——— [(29)] (30) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).~~

~~——— [(30)] (31) "Motorboat" has the same meaning as provided in Section 73-18-2.~~

~~——— [(31)] (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.~~

~~——— [(32)] (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.~~

~~——— (b) "Motor vehicle" does not include an off-highway vehicle.~~

~~——— [(33)] (34) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.~~

~~——— (b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains any vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.~~

~~——— [(34)] (35) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.~~

~~——— [(35)] (36) "Off-highway implement of husbandry" has the same meaning as provided in Section 41-22-2.~~

~~——— [(36)] (37) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.~~

~~——— [(37)] (38) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.~~

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~~——— [(38)] (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.~~

~~——— [(39)] (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.~~

~~——— (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.~~

~~——— (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises his option to purchase the vehicle.~~

~~——— [(40)] (41) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.~~

~~——— [(41)] (42) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.~~

~~——— (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.~~

~~——— [(42)] (43) "Pneumatic tire" means every tire in which compressed air is designed to support the load.~~

~~——— [(43)] (44) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.~~

~~——— [(44)] (45) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.~~

~~——— [(45)] (46) "Receipt of surrender of ownership documents" means the receipt of~~

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~~surrender of ownership documents described in Section 41-1a-503.~~

~~——— [(46)] (47) "Reconstructed vehicle" means every vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.~~

~~——— [(47)] (48) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.~~

~~——— [(48)] (49) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.~~

~~——— [(49)] (50) (a) "Registration year" means a 12 consecutive month period commencing with the completion of all applicable registration criteria.~~

~~——— (b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.~~

~~——— [(50)] (51) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.~~

~~——— [(51)] (52) "Replica vehicle" means: —— (a) a street rod that meets the requirements under Subsection 41-21-1(1)(a)(i)(B); or —— (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).~~

~~——— [(52)] (53) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.~~

~~——— [(53)] (54) "Sailboat" has the same meaning as provided in Section 73-18-2.~~

~~——— [(54)] (55) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.~~

~~——— [(55)] (56) "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.~~

~~——— [(56)] (57) "Special group license plate" means a type of license plate designed for a~~

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~~particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.~~

~~——— [(57)] (58) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is: (i) 20 years or older from the current year; or (ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.~~

~~——— (b) In making [his] a determination under Subsection [(57)] (58)(a), the division director shall give special consideration to: (i) a make of motor vehicle that is no longer manufactured; (ii) a make or model of motor vehicle produced in limited or token quantities; (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.~~

~~——— (59) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.~~

~~——— [(58)] (60) (a) "Special mobile equipment" means every vehicle: (i) not designed or used primarily for the transportation of persons or property; (ii) not designed to operate in traffic; and (iii) only incidentally operated or moved over the highways.~~

~~——— (b) "Special mobile equipment" includes: (i) farm tractors; (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and (iii) ditch-digging apparatus.~~

~~——— (c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.~~

~~——— [(60)] (61) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.~~

~~——— [(61)] (62) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.~~

~~——— (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means~~

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~~the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year:~~

~~——— [(62)] (63) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.~~

~~——— [(63)] (64) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.~~

~~——— [(64)] (65) "Transferor" means a person who transfers his ownership in property by sale, gift, or any other means except by creation of a security interest.~~

~~——— [(65)] (66) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.~~

~~——— [(66)] (67) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.~~

~~——— [(67)] (68) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, manufactured home, and mobile home.~~

~~——— [(68)] (69) "Vessel" has the same meaning as provided in Section 73-18-2.~~

~~——— [(69)] (70) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.~~

~~——— [(70)] (71) "Waters of this state" has the same meaning as provided in Section 73-18-2.~~

~~——— [(71)] (72) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.~~

~~——— Section 3. Section 41-1a-1201 is amended to read: 41-1a-1201. **Disposition of fees.**~~

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

~~——— (2) Except as provided in Subsections (3), (6), and (7) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in the Transportation Fund.~~

~~——— (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing~~

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~~license plates under Part 4, License Plates and Registration Indicia.~~

~~—— (4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.~~

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

~~—— (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.~~

~~—— (6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created under Section 72-2-124: —— (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b)(i), (1)(f), (3), and (6); —— (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii); —— (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii); —— (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); —— (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(c)(i); [and] —— (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii) [.]; and —— (vii) \$70 of the registration fee imposed under Subsection 41-1a-1206(1)(b)(ii). —— (b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124: —— (i) \$23.25 of [each] the registration fee [collected] imposed under Subsection 41-1a-1206(2)(a); [and] —— (ii) \$23 of [each] the registration fee [collected] imposed under Subsection 41-1a-1206(2)(b)(i) [.]; and —— (iii) \$53 of the registration fee imposed under Subsection 41-1a-1206(2)(b)(ii). —— (7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.~~

~~—— (b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in~~

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Section 53-3-106:

~~Section 4. Section 41-1a-1206 is amended to read: 41-1a-1206. Registration fees-- Fees by gross laden weight.~~ (1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows: (a) \$44.50 for each motorcycle; (b) (i) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding [motorcycles,] motor vehicles described in Subsections (1)(a) and (1)(b)(ii); or (ii) \$83 for each electric vehicle not registered under Section 41-1a-301; (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301: (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight; (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight; (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and (f) \$45 for each vintage vehicle that is less than 40 years old.

~~(2) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows: (a) \$33.50 for each motorcycle; and (b) (i) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding [motorcycles,] motor vehicles described in Subsections (2)(a) and (2)(b)(ii); or (ii) \$62.50 for each electric vehicle not registered under Section 41-1a-301.~~ (3)

~~(a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.~~

~~(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).~~

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

~~(4) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the~~

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~~total gross laden weight of the combination exceeds 12,000 pounds.~~

~~—— (5) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.~~

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

~~—— (6) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.~~

~~—— (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless: (a) the truck meets the definition of a farm truck under Section 41-1a-102; and~~

~~—— (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.~~

~~—— (8) A violation of Subsection (7) is a class B misdemeanor that shall be punished by a fine of not less than \$200.~~

~~—— (9) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.~~

~~—— Section 5. Section **41-1a-1225** is enacted to read: **41-1a-1225. Electric vehicle administration fee -- Exemption -- Deposit.** —— (1) (a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration of an electric vehicle under this chapter, the applicant shall pay an electric vehicle administration fee of \$10 on each electric vehicle. —— (b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of an electric vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an electric vehicle administration fee of \$7.50 on each electric vehicle. —— (c) The following are exempt from the fee required under Subsection (1)(a) or (b): —— (i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301; —— (ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and —— (iii) a motor vehicle with a Purple Heart special group license plate~~

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~~issued in accordance with Section 41-1a-421. (2) The revenue generated under this section shall be deposited in the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403 to provide grants to establish charging stations for electric vehicles and other clean fuel vehicle technology initiatives. Section 6. Section 41-3-301 is amended to read:~~

~~41-3-301. Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.~~ (1) (a) (i) Each dealer licensed under Part 2, Licensing,

~~upon the sale and delivery of any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name:~~

~~(ii) Each dealer is responsible and liable for the registration fee for a vehicle described in Subsection (1)(a)(i).~~ (b) If a temporary permit is not issued, the certificate of title or

~~manufacturer's certificate of origin shall be delivered to the vendee, endorsed according to law, within 48 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's certificate of origin shall be delivered within 21 days:~~

~~(c) (i) A motor vehicle consigned to an auction and sold is considered sold by the consignor to the auction and then sold by the auction to the consignee:~~

~~(ii) Both the consignor and auction are subject to this section:~~

~~(d) (i) (A) A motor vehicle consigned to a wholesale motor vehicle auction and sold to a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or dismantler:~~

~~(B) Both the consignor and the wholesale motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b):~~

~~(C) The consignor, or the wholesale motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law. By endorsing the certificate of title as agent of the consignor, the wholesale motor vehicle auction does not become the owner, seller, or assignor of title:~~

~~(ii) (A) A wholesale motor vehicle auction may purchase or sell motor vehicles in its own name:~~

~~(B) If a wholesale motor vehicle auction purchases or sells a motor vehicle in its own~~

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~~name, the wholesale motor vehicle auction is subject to Subsections (1)(a) and (1)(b):~~

~~—— (2) (a) (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the Motor Vehicle Division:~~

~~—— (ii) The notice shall contain: —— (A) the date of the sale; —— (B) the names and addresses of the dealer and the purchaser; —— (C) a description of the motor vehicle; —— (D) the motor vehicle's odometer reading at the time of the sale; and —— (E) other information required by the division:~~

~~—— (b) If no temporary permit is issued, the notice shall be filed with the division within 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale, unless the purchaser is a dealer or dismantler:~~

~~—— (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a) and (2)(b) may be filed in electronic form or on magnetic media:~~

~~—— Section 7. Section 41-3-302 is amended to read: **41-3-302. Temporary permits -- Purchasers of motor vehicles -- Penalty for use after expiration -- Sale and rescission.**~~

~~—— (1) (a) [(i)] A dealer or the division may issue a temporary permit:~~

~~—— [(ii)] (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall makes rules for the issuance of a temporary permit under Subsection (1)(a)[(i)]:~~

~~—— [(iii)] (c) The division shall furnish the forms for temporary permits issued by dealers under Subsection (1)(a)[(i)]:~~

~~—— [(b)] (2) A dealer may issue a temporary permit to a bona fide purchaser of a motor vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the dealer:~~

~~—— [(c) The] (3) Except as provided in Subsection (4), the dealer [is responsible and liable for the registration fee of] shall pay a fee of \$50 for each motor vehicle for which [the] a permit is issued under this section:~~

~~—— [(d) All issued temporary permits that are outstanding after 45 days from the date they are issued are delinquent and a penalty equal to the registration fee shall be collected from the~~

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~~issuing dealer.] (2) If a temporary permit is issued by a dealer under this section and the sale of the motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing dealer is not liable for the registration fee or penalty.] (4) A dealer is not required to pay the fee required under Subsection (3): (a) if a Utah registration is obtained for the motor vehicle within the time frame allowed under Subsection (2); or (b) if the sale of the motor vehicle for which the temporary permit is issued under this section is subsequently rescinded and the temporary permit is voided. Section 8. **Effective date.** This bill takes effect on January 1, 2015.~~

corridor preservation fee imposed under Section 41-1a-1222 in a county of the first class:

(i) to the legislative body of a county of the first class; and

(ii) to be used by a county of the first class for:

(A) highway construction, reconstruction, or maintenance projects; or

(B) the enforcement of state motor vehicle and traffic laws[-]; and

(g) for fiscal year 2014-15 only, and after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to transfer an amount equal to \$4,000,000:

(i) to the legislative body of a county of the first class; and

(ii) to be used by a county of the first class for:

(A) highway construction, reconstruction, or maintenance projects; or

(B) the enforcement of state motor vehicle and traffic laws.

(5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the fund and bond proceeds from bonds issued under Sections 63B-16-102 and 63B-18-402 are considered a local matching contribution for the purposes described under Section 72-2-123.

(6) The additional administrative costs of the department to administer this fund shall be paid from money in the fund.

(7) Notwithstanding any statutory or other restrictions on the use or expenditure of the revenue sources deposited into this fund, the Department of Transportation may use the money in this fund for any of the purposes detailed in Subsection (4).