

Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill amends provisions related to transportation, public transit, towing, motor vehicle dealers, and other related items.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the service of a member of the board of trustees of a large public transit district;
- ▶ amends provisions related to the definition of a dealer of motor vehicles;
- ▶ requires the registration of a vehicle subject to a lease to include the name of the lessee;
- ▶ changes the rulemaking authority related to school bus safety from the Department of Transportation to the Department of Public Safety;
- ▶ removes the requirement for certain vehicles transporting livestock to stop at a port-of-entry;
- ▶ amends provisions related to the use of certain funds for public transit projects that increase capacity;
- ▶ creates a pilot program related to the Department of Public Safety and contracting with a towing management company; and



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **17B-2a-807.1**, as last amended by Laws of Utah 2019, Chapter 479

34 **17B-2a-808.1**, as last amended by Laws of Utah 2020, Chapter 377

35 **41-1a-203**, as last amended by Laws of Utah 2019, Chapter 479

36 **41-1a-209**, as last amended by Laws of Utah 2005, Chapter 47

37 **41-3-102**, as last amended by Laws of Utah 2020, Chapter 367

38 **41-6a-1304**, as last amended by Laws of Utah 2008, Chapter 382

39 **72-1-304**, as last amended by Laws of Utah 2020, Chapter 377

40 **72-2-121**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

41 **72-2-124**, as last amended by Laws of Utah 2020, Chapters 366 and 377

42 **72-9-501**, as last amended by Laws of Utah 2008, Chapter 284

43 **72-9-502**, as last amended by Laws of Utah 2019, Chapter 251

44 **72-9-604**, as last amended by Laws of Utah 2020, Chapters 45 and 420



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

47 Section 1. Section **17B-2a-807.1** is amended to read:

48 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**

49 **Quorum -- Compensation -- Terms.**

50 (1) (a) For a large public transit district, the board of trustees shall consist of three
51 members appointed as described in Subsection (1)(b).

52 (b) (i) The governor, with advice and consent of the Senate, shall appoint the members
53 of the board of trustees, making an appointment from nominations given from each region
54 created in Subsection (1)(b)(ii).

55 (ii) (A) Before creation of a large public transit district, the political subdivision or
56 subdivisions forming the large public transit district shall submit to the Legislature for approval

57 a proposal for the creation of three regions for nominating members to the board of trustees of
58 the large public transit district.

59 (B) For a large public transit district created after January 1, 2019, the Legislature, after
60 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate
61 three regions for nominating members to the board of trustees of the large public transit
62 district, and further describe the process for nomination for appointment to the board of
63 trustees.

64 (c) Each nominee shall be a qualified executive with technical and administrative
65 experience and training appropriate for the position.

66 (d) The board of trustees of a large public transit district shall be full-time employees
67 of the public transit district.

68 (e) The compensation package for the board of trustees shall be determined by a local
69 advisory council as described in Section [17B-2a-808.2](#).

70 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit
71 district, "quorum" means at least two members of the board of trustees.

72 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

73 (iii) A meeting of a quorum of the board of trustees of a large public transit district is
74 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what
75 constitutes a public meeting.

76 (2) (a) Subject to Subsections (3), ~~(4)~~, and ~~[(4)] (7)~~, each member of the board of
77 trustees of a large public transit district shall serve for a term of four years.

78 (b) A member of the board of trustees may serve an unlimited number of terms.

79 (3) Each member of the board of trustees of a large public transit district shall serve at
80 the pleasure of the governor.

81 (4) The first time the board of trustees is appointed under this section, the governor
82 shall stagger the initial term of each of the members of the board of trustees as follows:

83 (a) one member of the board of trustees shall serve an initial term of two years;

84 (b) one member of the board of trustees shall serve an initial term of three years; and

85 (c) one member of the board of trustees shall serve an initial term of four years.

86 (5) The governor shall designate one member of the board of trustees as chair of the
87 board of trustees.

88 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
89 individual shall occur in the same manner described in Subsection (1) for the member creating
90 the vacancy.

91 (b) A replacement board member shall serve for the remainder of the unexpired term,
92 but may serve an unlimited number of terms as provided in Subsection (2)(b).

93 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy
94 within 60 days, the governor shall appoint an individual to fill the vacancy.

95 (7) Each board of trustees member shall serve until a successor is duly nominated,
96 appointed, and qualified, unless the board of trustees member is removed from office or resigns
97 or otherwise leaves office.

98 Section 2. Section **17B-2a-808.1** is amended to read:

99 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
100 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

101 (1) The powers and duties of a board of trustees of a large public transit district stated
102 in this section are in addition to the powers and duties stated in Section **17B-1-301**.

103 (2) The board of trustees of each large public transit district shall:

104 (a) hold public meetings and receive public comment;

105 (b) ensure that the policies, procedures, and management practices established by the
106 public transit district meet state and federal regulatory requirements and federal grantee
107 eligibility;

108 (c) subject to Subsection (8), create and approve an annual budget, including the
109 issuance of bonds and other financial instruments, after consultation with the local advisory
110 council;

111 (d) approve any interlocal agreement with a local jurisdiction;

112 (e) in consultation with the local advisory council, approve contracts and overall
113 property acquisitions and dispositions for transit-oriented development;

114 (f) in consultation with constituent counties, municipalities, metropolitan planning
115 organizations, and the local advisory council:

116 (i) develop and approve a strategic plan for development and operations on at least a
117 four-year basis; and

118 (ii) create and pursue funding opportunities for transit capital and service initiatives to

119 meet anticipated growth within the public transit district;

120 (g) annually report the public transit district's long-term financial plan to the State

121 Bonding Commission;

122 (h) annually report the public transit district's progress and expenditures related to state

123 resources to the Executive Appropriations Committee and the Infrastructure and General

124 Government Appropriations Subcommittee;

125 (i) annually report to the Transportation Interim Committee the public transit district's

126 efforts to engage in public-private partnerships for public transit services;

127 ~~[(j) (i) in partnership with the Department of Transportation, study and evaluate the~~
128 ~~feasibility of a strategic transition of a large public transit district into a state entity, and]~~

129 ~~[(ii) in partnership with the Department of Transportation, before November 30, 2019,~~
130 ~~report on the progress of the study to the Transportation Interim Committee and the~~

131 ~~Infrastructure and General Government Appropriations Subcommittee;]~~

132 ~~[(k)] (j) hire, set salaries, and develop performance targets and evaluations for:~~

133 (i) the executive director; and

134 (ii) all chief level officers;

135 ~~[(l)] (k) supervise and regulate each transit facility that the public transit district owns~~
136 ~~and operates, including:~~

137 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
138 charges; and

139 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
140 connection with a transit facility that the district owns or controls;

141 ~~[(m)] (l) subject to Subsection (4), control the investment of all funds assigned to the~~
142 ~~district for investment, including funds:~~

143 (i) held as part of a district's retirement system; and

144 (ii) invested in accordance with the participating employees' designation or direction
145 pursuant to an employee deferred compensation plan established and operated in compliance
146 with Section 457 of the Internal Revenue Code;

147 ~~[(n)] (m) in consultation with the local advisory council created under Section~~
148 ~~17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51,~~

149 Chapter 7, State Money Management Act;

150 ~~(n)~~ (n) if a custodian is appointed under Subsection (3)(d), and subject to Subsection
151 (4), pay the fees for the custodian's services from the interest earnings of the investment fund
152 for which the custodian is appointed;

153 ~~(o)~~ (o) (i) cause an annual audit of all public transit district books and accounts to be
154 made by an independent certified public accountant;

155 (ii) as soon as practicable after the close of each fiscal year, submit to each of the
156 councils of governments within the public transit district a financial report showing:

157 (A) the result of district operations during the preceding fiscal year;

158 (B) an accounting of the expenditures of all local sales and use tax revenues generated
159 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

160 (C) the district's financial status on the final day of the fiscal year; and

161 (D) the district's progress and efforts to improve efficiency relative to the previous
162 fiscal year; and

163 (iii) supply copies of the report under Subsection ~~(2)(p)(ii)~~ (2)(o)(ii) to the general
164 public upon request;

165 ~~(p)~~ (p) report at least annually to the Transportation Commission created in Section
166 72-1-301, which report shall include:

167 (i) the district's short-term and long-range public transit plans, including the portions of
168 applicable regional transportation plans adopted by a metropolitan planning organization
169 established under 23 U.S.C. Sec. 134; and

170 (ii) any transit capital development projects that the board of trustees would like the
171 Transportation Commission to consider;

172 ~~(q)~~ (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct
173 audits that the board of trustees determines, in consultation with the local advisory council
174 created in Section 17B-2a-808.2, to be the most critical to the success of the organization;

175 ~~(r)~~ (r) together with the local advisory council created in Section 17B-2a-808.2, hear
176 audit reports for audits conducted in accordance with Subsection ~~(2)(p)~~ (2)(o);

177 ~~(s)~~ (s) review and approve all contracts pertaining to reduced fares, and evaluate
178 existing contracts, including review of:

179 (i) how negotiations occurred;

180 (ii) the rationale for providing a reduced fare; and

181 (iii) identification and evaluation of cost shifts to offset operational costs incurred and
182 impacted by each contract offering a reduced fare;

183 [~~(t)~~] (t) in consultation with the local advisory council, develop and approve other
184 board policies, ordinances, and bylaws; and

185 [~~(v)~~] (u) review and approve any:

186 (i) contract or expense exceeding \$200,000; or

187 (ii) proposed change order to an existing contract if the change order:

188 (A) increases the total contract value to \$200,000 or more;

189 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or

190 (C) has a total change order value of \$200,000 or more.

191 (3) A board of trustees of a large public transit district may:

192 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that
193 are:

194 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
195 provisions of this part; and

196 (ii) necessary for:

197 (A) the governance and management of the affairs of the district;

198 (B) the execution of district powers; and

199 (C) carrying into effect the provisions of this part;

200 (b) provide by resolution, under terms and conditions the board considers fit, for the
201 payment of demands against the district without prior specific approval by the board, if the
202 payment is:

203 (i) for a purpose for which the expenditure has been previously approved by the board;

204 (ii) in an amount no greater than the amount authorized; and

205 (iii) approved by the executive director or other officer or deputy as the board
206 prescribes;

207 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):

208 (i) hold public hearings and subpoena witnesses; and

209 (ii) appoint district officers to conduct a hearing and require the officers to make
210 findings and conclusions and report them to the board; and

211 (d) appoint a custodian for the funds and securities under its control, subject to

212 Subsection [~~(2)(o)~~] (2)(n).

213 (4) For a large public transit district in existence as of May 8, 2018, on or before
214 September 30, 2019, the board of trustees of a large public transit district shall present a report
215 to the Transportation Interim Committee regarding retirement benefits of the district, including:

216 (a) the feasibility of becoming a participating employer and having retirement benefits
217 of eligible employees and officials covered in applicable systems and plans administered under
218 Title 49, Utah State Retirement and Insurance Benefit Act;

219 (b) any legal or contractual restrictions on any employees that are party to a collectively
220 bargained retirement plan; and

221 (c) a comparison of retirement plans offered by the large public transit district and
222 similarly situated public employees, including the costs of each plan and the value of the
223 benefit offered.

224 (5) The board of trustees may not issue a bond unless the board of trustees has
225 consulted and received approval from the State Bonding Commission created in Section
226 [63B-1-201](#).

227 (6) A member of the board of trustees of a large public transit district or a hearing
228 officer designated by the board may administer oaths and affirmations in a district investigation
229 or proceeding.

230 (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll
231 call vote with each affirmative and negative vote recorded.

232 (b) The board of trustees of a large public transit district may not adopt an ordinance
233 unless it is introduced at least 24 hours before the board of trustees adopts it.

234 (c) Each ordinance adopted by a large public transit district's board of trustees shall
235 take effect upon adoption, unless the ordinance provides otherwise.

236 (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for
237 calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.

238 (b) The budget described in Subsection (8)(a) shall include setting the salary of each of
239 the members of the board of trustees that will assume control on or before November 1, 2018,
240 which salary may not exceed \$150,000, plus additional retirement and other standard benefits,
241 as set by the local advisory council as described in Section [17B-2a-808.2](#).

242 (c) For a large public transit district in existence on May 8, 2018, the board of trustees

243 that assumes control of the large public transit district on or before November 2, 2018, shall
244 approve the calendar year 2019 budget on or before December 31, 2018.

245 Section 3. Section **41-1a-203** is amended to read:

246 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
247 **renewal.**

248 (1) Except as otherwise provided, before registration of a vehicle, an owner shall:

249 (a) obtain an identification number inspection under Section [41-1a-204](#);

250 (b) obtain a certificate of emissions inspection, if required in the current year, as
251 provided under Section [41-6a-1642](#);

252 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
253 [41-1a-206](#) or [41-1a-207](#);

254 (d) pay the automobile driver education tax required by Section [41-1a-208](#);

255 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

256 (f) pay the uninsured motorist identification fee under Section [41-1a-1218](#), if
257 applicable;

258 (g) pay the motor carrier fee under Section [41-1a-1219](#), if applicable;

259 (h) pay any applicable local emissions compliance fee under Section [41-1a-1223](#); and

260 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

261 (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
262 been previously registered or that is currently registered under a previous owner's name shall
263 apply for a valid certificate of title in the owner's name before registration.

264 (3) If a vehicle is subject to an agreement to lease, the registration certificate shall
265 include the name of the lessee.

266 [~~(3)~~] (4) The division may not issue a new registration, transfer of ownership, or
267 registration renewal under Section [73-18-7](#) for a vessel or outboard motor that is subject to this
268 chapter unless a certificate of title has been or is in the process of being issued in the same
269 owner's name.

270 [~~(4)~~] (5) The division may not issue a new registration, transfer of ownership, or
271 registration renewal under Section [41-22-3](#) for an off-highway vehicle that is subject to this
272 chapter unless a certificate of title has been or is in the process of being issued in the same
273 owner's name.

274 [(5)] (6) The division may not issue a registration renewal for a motor vehicle if the
275 division has received a hold request for the motor vehicle for which a registration renewal has
276 been requested as described in:

277 (a) Section 72-1-213.1; or

278 (b) Section 72-6-118.

279 Section 4. Section 41-1a-209 is amended to read:

280 **41-1a-209. Application for registration -- Contents.**

281 (1) An owner of a vehicle subject to registration under this part shall apply to the
282 division for registration on forms furnished by the division.

283 (2) The application for registration shall include:

284 (a) the signature of an owner of the vehicle to be registered;

285 (b) the name, bona fide residence and mailing address of the owner, or business
286 address of the owner if the owner is a firm, association, or corporation;

287 (c) a description of the vehicle including the make, model, type of body, the model year
288 as specified by the manufacturer, the number of cylinders, and the identification number of the
289 vehicle; [~~and~~]

290 (d) other information required by the division to enable it to determine whether the
291 owner is lawfully entitled to register the vehicle[~~-~~]; and

292 (e) if the vehicle is subject to an agreement to lease, the name of the lessee.

293 Section 5. Section 41-3-102 is amended to read:

294 **41-3-102. Definitions.**

295 As used in this chapter:

296 (1) "Administrator" means the motor vehicle enforcement administrator.

297 (2) "Agent" means a person other than a holder of any dealer's or salesperson's license
298 issued under this chapter, who for salary, commission, or compensation of any kind, negotiates
299 in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any
300 other person in any 12-month period.

301 (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles,
302 either owned or consigned, to the general public.

303 (4) "Authorized service center" means an entity that:

304 (a) is in the business of repairing exclusively the motor vehicles of the same line-make

305 as the motor vehicles a single direct-sale manufacturer manufactures;

306 (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete
307 warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for
308 sale, or offers for sale or exchange; and

309 (c) conducts business primarily from an enclosed commercial repair facility that is
310 permanently located in the state.

311 (5) "Board" means the advisory board created in Section 41-3-106.

312 (6) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting
313 the body of motor vehicles for compensation.

314 (7) "Commission" means the State Tax Commission.

315 (8) "Crusher" means a person who crushes or shreds motor vehicles subject to
316 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
317 metals to a more compact size for recycling.

318 (9) (a) "Dealer" means a person:

319 (i) whose business in whole or in part involves selling or leasing new, used, or new and
320 used motor vehicles or off-highway vehicles; and

321 (ii) who sells, leases, displays for sale or lease, or offers for sale, lease, or exchange
322 three or more new or used motor vehicles or off-highway vehicles in any 12-month period.

323 (b) "Dealer" includes a representative or consignee of any dealer.

324 (10) "Direct-sale manufacturer" means a person:

325 (a) that is both a manufacturer and a dealer;

326 (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new
327 motor vehicles of the person's own line-make that are:

328 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
329 non-fossil fuel source;

330 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;

331 or

332 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

333 (iii) manufactured by the person;

334 (c) that is not a franchise holder;

335 (d) that is domiciled in the United States; and

336 (e) whose chief officers direct, control, and coordinate the person's activities as a
337 direct-sale manufacturer from a physical location in the United States.

338 (11) "Direct-sale manufacturer salesperson" means an individual who for a salary,
339 commission, or compensation of any kind, is employed either directly, indirectly, regularly, or
340 occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the
341 sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer
342 who employs the individual.

343 (12) (a) "Dismantler" means a person engaged in the business of dismantling motor
344 vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the resale of
345 parts or for salvage.

346 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
347 12-month period.

348 (13) "Distributor" means a person who has a franchise from a manufacturer of motor
349 vehicles to distribute motor vehicles within this state and who in whole or in part sells or
350 distributes new motor vehicles to dealers or who maintains distributor representatives.

351 (14) "Distributor branch" means a branch office similarly maintained by a distributor
352 for the same purposes a factory branch is maintained.

353 (15) "Distributor representative" means a person and each officer and employee of the
354 person engaged as a representative of a distributor or distributor branch of motor vehicles to
355 make or promote the sale of the distributor or the distributor branch's motor vehicles, or for
356 supervising or contacting dealers or prospective dealers of the distributor or the distributor
357 branch.

358 (16) "Division" means the Motor Vehicle Enforcement Division created in Section
359 [41-3-104](#).

360 (17) "Factory branch" means a branch office maintained by a person who manufactures
361 or assembles motor vehicles for sale to distributors, motor vehicle dealers, or who directs or
362 supervises the factory branch's representatives.

363 (18) "Factory representative" means a person and each officer and employee of the
364 person engaged as a representative of a manufacturer of motor vehicles or by a factory branch
365 to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for
366 supervising or contacting the dealers or prospective dealers of the manufacturer or the factory

367 branch.

368 (19) (a) "Franchise" means a contract or agreement between a dealer and a
369 manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which
370 the dealer is authorized to sell any specified make or makes of new motor vehicles.

371 (b) "Franchise" includes a contract or agreement described in Subsection (19)(a)
372 regardless of whether the contract or agreement is subject to Title 13, Chapter 14, New
373 Automobile Franchise Act, Title 13, Chapter 35, Powersport Vehicle Franchise Act, or neither.

374 (20) (a) "Franchise holder" means a manufacturer who:

375 (i) previously had a franchised dealer in the United States;

376 (ii) currently has a franchised dealer in the United States;

377 (iii) is a successor to another manufacturer who previously had or currently has a
378 franchised dealer in the United States;

379 (iv) is a material owner of another manufacturer who previously had or currently has a
380 franchised dealer in the United States;

381 (v) is under legal or common ownership, or practical control, with another
382 manufacturer who previously had or currently has a franchised dealer in the United States; or

383 (vi) is in a partnership, joint venture, or similar arrangement for production of a
384 commonly owned line-make with another manufacturer who previously had or currently has a
385 franchised dealer in the United States.

386 (b) "Franchise holder" does not include a manufacturer described in Subsection (20)(a),
387 if at all times during the franchised dealer's existence, the manufacturer had legal or practical
388 common ownership or common control with the franchised dealer.

389 (21) (a) "Lease" means a transfer of the right to possession and use of a new or used
390 motor vehicle for a term, in return for consideration.

391 (b) "Lease" includes a sublease.

392 [~~21~~] (22) "Line-make" means motor vehicles that are offered for sale, lease, or
393 distribution under a common name, trademark, service mark, or brand name of the
394 manufacturer.

395 [~~22~~] (23) "Manufacturer" means a person engaged in the business of constructing or
396 assembling new motor vehicles, ownership of which is customarily transferred by a
397 manufacturer's statement or certificate of origin, or a person who constructs three or more new

398 motor vehicles in any 12-month period.

399 ~~[(23)]~~ (24) "Material owner" means a person who possesses, directly or indirectly, the
400 power to direct, or cause the direction of, the management, policies, or activities of another
401 person:

- 402 (a) through ownership of voting securities;
- 403 (b) by contract or credit arrangement; or
- 404 (c) in another way not described in Subsections (23)(a) and (b).

405 ~~[(24)]~~ (25) (a) "Motor vehicle" means a vehicle that is:

- 406 (i) self-propelled;
- 407 (ii) a trailer;
- 408 (iii) a travel trailer;
- 409 (iv) a semitrailer;
- 410 (v) an off-highway vehicle; or
- 411 (vi) a small trailer.

412 (b) "Motor vehicle" does not include:

- 413 (i) mobile homes as defined in Section [41-1a-102](#);
- 414 (ii) trailers of 750 pounds or less unladen weight;
- 415 (iii) a farm tractor or other machine or tool used in the production, harvesting, or care of
416 a farm product; and
- 417 (iv) park model recreational vehicles as defined in Section [41-1a-102](#).

418 ~~[(25)]~~ (26) "Motorcycle" means the same as that term is defined in Section [41-1a-102](#).

419 ~~[(26)]~~ (27) "New motor vehicle" means a motor vehicle that:

- 420 (a) has never been titled or registered; and
- 421 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
422 less than 7,500 miles.

423 ~~[(27)]~~ (28) "Off-highway vehicle" means the same as that term is defined in Section
424 [41-22-2](#).

425 ~~[(28)]~~ (29) "Pawnbroker" means a person whose business is to lend money on security
426 of personal property deposited with him.

427 ~~[(29)]~~ (30) (a) "Principal place of business" means a site or location in this state:

- 428 (i) devoted exclusively to the business for which the dealer, manufacturer,

429 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
430 incidental to them;

431 (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
432 indicate the boundary and to admit a definite description with space adequate to permit the
433 display of three or more new, or new and used, or used motor vehicles and sufficient parking
434 for the public; and

435 (iii) that includes a permanent enclosed building or structure large enough to
436 accommodate the office of the establishment and to provide a safe place to keep the books and
437 other records of the business, at which the principal portion of the business is conducted and
438 the books and records kept and maintained.

439 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
440 direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection
441 ~~[(29)]~~ (30)(a).

442 ~~[(30)]~~ (31) "Remanufacturer" means a person who reconstructs used motor vehicles
443 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
444 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
445 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
446 more motor vehicles in any 12-month period.

447 ~~[(31)]~~ (32) "Salesperson" means an individual who for a salary, commission, or
448 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
449 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
450 negotiate for the sale, purchase, or exchange of motor vehicles.

451 ~~[(32)]~~ (33) "Semitrailer" means the same as that term is defined in Section [41-1a-102](#).

452 ~~[(33)]~~ (34) "Showroom" means a site or location in the state that a direct-sale
453 manufacturer uses for the direct-sale manufacturer's business, including the display and
454 demonstration of new motor vehicles that are exclusively of the same line-make that the
455 direct-sale manufacturer manufactures.

456 ~~[(34)]~~ (35) "Small trailer" means a trailer that has an unladen weight of:

457 (a) more than 750 pounds; and

458 (b) less than 2,000 pounds.

459 ~~[(35)]~~ (36) "Special equipment" includes a truck mounted crane, cherry picker, material

460 lift, post hole digger, and a utility or service body.

461 ~~[(36)]~~ (37) "Special equipment dealer" means a new or new and used motor vehicle
462 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
463 weight of 12,000 or more pounds and installing special equipment on the incomplete motor
464 vehicle.

465 ~~[(37)]~~ (38) "Trailer" means the same as that term is defined in Section [41-1a-102](#).

466 ~~[(38)]~~ (39) "Transporter" means a person engaged in the business of transporting motor
467 vehicles as described in Section [41-3-202](#).

468 ~~[(39)]~~ (40) "Travel trailer" means the same as that term is defined in Section
469 [41-1a-102](#).

470 ~~[(40)]~~ (41) "Used motor vehicle" means a vehicle that:

471 (a) has been titled and registered to a purchaser other than a dealer; or

472 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
473 7,500 or more miles.

474 ~~[(41)]~~ (42) "Wholesale motor vehicle auction" means a dealer primarily engaged in the
475 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
476 this or any other jurisdiction.

477 Section 6. Section **41-6a-1304** is amended to read:

478 **41-6a-1304. School buses -- Rules regarding design and operation.**

479 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
480 the Department of ~~[Transportation by and]~~ Public Safety, with the advice of the State Board of
481 Education ~~[and the Department of Public Safety]~~, shall adopt and enforce rules, not
482 inconsistent with this chapter, to govern the design and operation of all school buses in this
483 state when:

484 (i) owned and operated by any school district;

485 (ii) privately owned and operated under contract with a school district; or

486 (iii) privately owned for use by a private school.

487 (b) The rules under this Subsection (1) shall by reference be made a part of any
488 contract with a school district or private school to operate a school bus.

489 (2) Every school district or private school, its officers and employees, and every person
490 employed under contract by a school district or private school shall be subject to the rules

491 under Subsection (1).

492 Section 7. Section **72-1-304** is amended to read:

493 **72-1-304. Written project prioritization process for new transportation capacity**
494 **projects -- Rulemaking.**

495 (1) (a) The Transportation Commission, in consultation with the department and the
496 metropolitan planning organizations as defined in Section **72-1-208.5**, shall develop a written
497 prioritization process for the prioritization of:

498 (i) new transportation capacity projects that are or will be part of the state highway
499 system under Chapter 4, Part 1, State Highways;

500 (ii) paved pedestrian or paved nonmotorized transportation projects that:

501 (A) mitigate traffic congestion on the state highway system; and

502 (B) are part of an active transportation plan approved by the department;

503 (iii) public transit projects that directly add capacity to the public transit systems within
504 the state, not including facilities ancillary to the public transit system; and

505 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
506 public transit system.

507 (b) (i) A local government or district may nominate a project for prioritization in
508 accordance with the process established by the commission in rule.

509 (ii) If a local government or district nominates a project for prioritization by the
510 commission, the local government or district shall provide data and evidence to show that:

511 (A) the project will advance the purposes and goals described in Section **72-1-211**;

512 (B) for a public transit project, the local government or district has an ongoing funding
513 source for operations and maintenance of the proposed development; and

514 (C) the local government or district will provide 40% of the costs for the project as
515 required by Subsection **72-2-124(4)(a)(viii)** or **72-2-124(9)(e)**.

516 (2) The following shall be included in the written prioritization process under
517 Subsection (1):

518 (a) a description of how the strategic initiatives of the department adopted under
519 Section **72-1-211** are advanced by the written prioritization process;

520 (b) a definition of the type of projects to which the written prioritization process
521 applies;

522 (c) specification of a weighted criteria system that is used to rank proposed projects
523 and how it will be used to determine which projects will be prioritized;

524 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
525 (e) any other provisions the commission considers appropriate, which may include
526 consideration of:

527 (i) regional and statewide economic development impacts, including improved local
528 access to:

529 (A) employment;
530 (B) educational facilities;
531 (C) recreation;
532 (D) commerce; and
533 (E) residential areas, including moderate income housing as demonstrated in the local
534 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

535 (ii) the extent to which local land use plans relevant to a project support and
536 accomplish the strategic initiatives adopted under Section 72-1-211; and
537 (iii) any matching funds provided by a political subdivision or public transit district in
538 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

539 (3) (a) When prioritizing a public transit project that increases capacity, the
540 commission may give priority consideration to projects that are part of a transit-oriented
541 development or transit-supportive development as defined in Section 17B-2a-802.

542 (b) When prioritizing a public transit or transportation project that increases capacity,
543 the commission may give priority consideration to projects that are part of a transportation
544 reinvestment zone created under Section 11-13-227 if:

545 (i) the state is a participant in the transportation reinvestment zone; or
546 (ii) the commission finds that the transportation reinvestment zone provides a benefit
547 to the state transportation system.

548 (4) In developing the written prioritization process, the commission:

549 (a) shall seek and consider public comment by holding public meetings at locations
550 throughout the state; and
551 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
552 the state provides an equal opportunity to raise local matching dollars for state highway

553 improvements within each county.

554 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
555 Transportation Commission, in consultation with the department, shall make rules establishing
556 the written prioritization process under Subsection (1).

557 (6) The commission shall submit the proposed rules under this section to a committee
558 or task force designated by the Legislative Management Committee for review prior to taking
559 final action on the proposed rules or any proposed amendment to the rules described in
560 Subsection (5).

561 Section 8. Section **72-2-121** is amended to read:

562 **72-2-121. County of the First Class Highway Projects Fund.**

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

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

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

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

570 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or
571 transferred to the fund; and

572 (d) a portion of the local option highway construction and transportation corridor
573 preservation fee imposed in a county of the first class under Section [41-1a-1222](#) deposited in or
574 transferred to the fund.

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

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

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

578 (a) to pay debt service and bond issuance costs for bonds issued under Sections
579 [63B-16-102](#), [63B-18-402](#), and [63B-27-102](#);

580 (b) for right-of-way acquisition, new construction, major renovations, and
581 improvements to highways within a county of the first class and to pay any debt service and
582 bond issuance costs related to those projects, including improvements to a highway located
583 within a municipality in a county of the first class where the municipality is located within the

584 boundaries of more than a single county;

585 (c) for the construction, acquisition, use, maintenance, or operation of:

586 (i) an active transportation facility for nonmotorized vehicles;

587 (ii) multimodal transportation that connects an origin with a destination; or

588 (iii) a facility that may include a:

589 (A) pedestrian or nonmotorized vehicle trail;

590 (B) nonmotorized vehicle storage facility;

591 (C) pedestrian or vehicle bridge; or

592 (D) vehicle parking lot or parking structure;

593 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by

594 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts

595 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

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

599 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
600 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
601 transfer an amount equal to 50% of the revenue generated by the local option highway
602 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
603 a county of the first class:

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

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

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

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

608 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
609 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
610 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

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

612 (ii) to be used by the county for the purposes described in this section;

613 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
614 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the

615 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to
616 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
617 the fund in accordance with Subsection 59-12-2214(3)(b) to:

618 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
619 Section 63B-27-102; and

620 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
621 deposited into the Transportation Fund;

622 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
623 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
624 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
625 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
626 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
627 first class to fund a system for public transit;

628 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified
629 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
630 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
631 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
632 deposited into the fund under Subsection (2)(b):

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

634 (ii) to fund parking facilities in a county of the first class that facilitate significant
635 economic development and recreation and tourism within the state;

636 (k) for the 2018-19 fiscal year only, after the department has verified that the amount
637 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under
638 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections
639 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for
640 the following projects:

641 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

642 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
643 6800 West to 7300 West;

644 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

645 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400

646 South to 13200 South;
647 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
648 Street to Van Winkle;
649 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
650 11400 South to 12300 South;
651 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;
652 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
653 10200 South from 2700 West to 3200 West;
654 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
655 Mountain View Corridor;
656 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and
657 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
658 7200 West to 8000 West; and
659 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been
660 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
661 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required
662 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
663 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
664 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a
665 county of the first class and deposited into the fund in accordance with Subsection
666 59-12-2214(3)(b):
667 (i) to the legislative body of a county of the first class; and
668 (ii) to be used by the county for the purposes described in this section.
669 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
670 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
671 63B-27-102 are considered a local matching contribution for the purposes described under
672 Section 72-2-123.
673 (6) The additional administrative costs of the department to administer this fund shall
674 be paid from money in the fund.
675 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
676 revenue sources deposited into this fund, the Department of Transportation may use the money

677 in this fund for any of the purposes detailed in Subsection (4).

678 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
679 year, after all programmed payments and transfers authorized or required under this section
680 have been made, on November 30 the department shall transfer the remainder of the money in
681 the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund
682 under Subsection [~~(4)(j)(ii)~~] (4)(h)(ii).

683 (b) The department shall provide notice to a county of the first class of the amount
684 transferred in accordance with this Subsection (8).

685 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under
686 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

687 (b) A county of the first class shall create a county transportation advisory committee
688 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public
689 transit projects and rank projects for allocation of funds.

690 (c) The county transportation advisory committee described in Subsection (9)(b) shall
691 be composed of the following 13 members:

692 (i) six members who are residents of the county, nominated by the county executive
693 and confirmed by the county legislative body who are:

694 (A) members of a local advisory council of a large public transit district as defined in
695 Section [17B-2a-802](#);

696 (B) county council members; or

697 (C) other residents with expertise in transportation planning and funding; and

698 (ii) seven members nominated by the county executive, and confirmed by the county
699 legislative body, chosen from mayors or managers of cities or towns within the county.

700 (d) (i) A majority of the members of the county transportation advisory committee
701 constitutes a quorum.

702 (ii) The action by a quorum of the county transportation advisory committee constitutes
703 an action by the county transportation advisory committee.

704 (e) The county body shall determine:

705 (i) the length of a term of a member of the county transportation advisory committee;

706 (ii) procedures and requirements for removing a member of the county transportation
707 advisory committee;

708 (iii) voting requirements of the county transportation advisory committee;
709 (iv) chairs or other officers of the county transportation advisory committee;
710 (v) how meetings are to be called and the frequency of meetings, but not less than once
711 annually; and

712 (vi) the compensation, if any, of members of the county transportation advisory
713 committee.

714 (f) The county shall establish by ordinance criteria for prioritization and ranking of
715 projects, which may include consideration of regional and countywide economic development
716 impacts, including improved local access to:

- 717 (i) employment;
- 718 (ii) recreation;
- 719 (iii) commerce; and
- 720 (iv) residential areas.

721 (g) The county transportation advisory committee shall evaluate and rank each
722 proposed public transit project and regionally significant transportation facility according to
723 criteria developed pursuant to Subsection (9)(f).

724 (h) (i) After the review and ranking of each project as described in this section, the
725 county transportation advisory committee shall provide a report and recommend the ranked list
726 of projects to the county legislative body and county executive.

727 (ii) After review of the recommended list of projects, as part of the county budgetary
728 process, the county executive shall review the list of projects and may include in the proposed
729 budget the proposed projects for allocation, as funds are available.

730 (i) The county executive of the county of the first class, with information provided by
731 the county and relevant state entities, shall provide a report annually to the county
732 transportation advisory committee, and to the mayor or manager of each city, town, or metro
733 township in the county, including the following:

- 734 (i) the amount of revenue received into the fund during the past year;
- 735 (ii) any funds available for allocation;
- 736 (iii) funds obligated for debt service; and
- 737 (iv) the outstanding balance of transportation-related debt.

738 (10) As resources allow, the department shall study in 2020 transportation connectivity

739 in the southwest valley of Salt Lake County, including the feasibility of connecting major
740 east-west corridors to U-111.

741 Section 9. Section **72-2-124** is amended to read:

742 **72-2-124. Transportation Investment Fund of 2005.**

743 (1) There is created a capital projects fund entitled the Transportation Investment Fund
744 of 2005.

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

746 (a) any voluntary contributions received for the maintenance, construction,

747 reconstruction, or renovation of state and federal highways;

748 (b) appropriations made to the fund by the Legislature;

749 (c) registration fees designated under Section [41-1a-1201](#);

750 (d) the sales and use tax revenues deposited into the fund in accordance with Section

751 [59-12-103](#); and

752 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

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

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

755 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
756 fund money to pay:

757 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
758 federal highways prioritized by the Transportation Commission through the prioritization

759 process for new transportation capacity projects adopted under Section [72-1-304](#);

760 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
761 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

762 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)
763 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
764 with Subsection [72-2-121](#)(4)(e);

765 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
766 Lake County Revenue Bond Sinking Fund created by Section [72-2-121.3](#) the amount certified
767 by Salt Lake County in accordance with Subsection [72-2-121.3](#)(4)(c) as necessary to pay the
768 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

769 (v) principal, interest, and issuance costs of bonds authorized by Section [63B-16-101](#)

770 for projects prioritized in accordance with Section 72-2-125;

771 (vi) all highway general obligation bonds that are intended to be paid from revenues in
772 the Centennial Highway Fund created by Section 72-2-118;

773 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
774 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
775 in Section 72-2-121; and

776 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
777 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
778 nonmotorized transportation for projects that:

779 (A) mitigate traffic congestion on the state highway system;

780 (B) are part of an active transportation plan approved by the department; and

781 (C) are prioritized by the commission through the prioritization process for new
782 transportation capacity projects adopted under Section 72-1-304.

783 (b) The executive director may use fund money to exchange for an equal or greater
784 amount of federal transportation funds to be used as provided in Subsection (4)(a).

785 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program
786 fund money to a project prioritized by the commission under Section 72-1-304, including fund
787 money from the Transit Transportation Investment Fund, within the boundaries of a
788 municipality that is required to adopt a moderate income housing plan element as part of the
789 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has
790 failed to adopt a moderate income housing plan element as part of the municipality's general
791 plan or has failed to implement the requirements of the moderate income housing plan as
792 determined by the results of the Department of Workforce Service's review of the annual
793 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

794 (b) Within the boundaries of a municipality that is required under Subsection
795 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
796 income housing plan element as part of the municipality's general plan or has failed to
797 implement the requirements of the moderate income housing plan as determined by the results
798 of the Department of Workforce Service's review of the annual moderate income housing
799 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

800 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access

801 facility or interchange connecting limited-access facilities;

802 (ii) may not program fund money for the construction, reconstruction, or renovation of
803 an interchange on a limited-access facility;

804 (iii) may program Transit Transportation Investment Fund money for a
805 multi-community fixed guideway public transportation project; and

806 (iv) may not program Transit Transportation Investment Fund money for the
807 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
808 transportation project.

809 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
810 director before May 1, 2020, for projects prioritized by the commission under Section
811 [72-1-304](#).

812 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program
813 fund money to a project prioritized by the commission under Section [72-1-304](#), including fund
814 money from the Transit Transportation Investment Fund, within the boundaries of the
815 unincorporated area of a county, if the county is required to adopt a moderate income housing
816 plan element as part of the county's general plan as described in Subsection [17-27a-401\(3\)](#) and
817 if the county has failed to adopt a moderate income housing plan element as part of the county's
818 general plan or has failed to implement the requirements of the moderate income housing plan
819 as determined by the results of the Department of Workforce Service's review of the annual
820 moderate income housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#).

821 (b) Within the boundaries of the unincorporated area of a county where the county is
822 required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has
823 failed to adopt a moderate income housing plan element as part of the county's general plan or
824 has failed to implement the requirements of the moderate income housing plan as determined
825 by the results of the Department of Workforce Service's review of the annual moderate income
826 housing report described in Subsection [35A-8-803\(1\)\(a\)\(vii\)](#), the executive director:

827 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
828 facility to a project prioritized by the commission under Section [72-1-304](#);

829 (ii) may not program fund money for the construction, reconstruction, or renovation of
830 an interchange on a limited-access facility;

831 (iii) may program Transit Transportation Investment Fund money for a

832 multi-community fixed guideway public transportation project; and

833 (iv) may not program Transit Transportation Investment Fund money for the
834 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
835 transportation project.

836 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
837 director before July 1, 2020, for projects prioritized by the commission under Section [72-1-304](#).

838 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued
839 in any fiscal year, the department and the commission shall appear before the Executive
840 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
841 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),
842 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

843 (b) The Executive Appropriations Committee of the Legislature shall review and
844 comment on the amount of bond proceeds needed to fund the projects.

845 (8) The Division of Finance shall, from money deposited into the fund, transfer the
846 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
847 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or
848 sinking fund.

849 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
850 Transportation Investment Fund.

851 (b) The fund shall be funded by:

- 852 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);
- 853 (ii) appropriations into the account by the Legislature;
- 854 (iii) private contributions; and
- 855 (iv) donations or grants from public or private entities.

856 (c) (i) The fund shall earn interest.

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

858 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
859 for public transit capital development of new capacity projects to be used as prioritized by the
860 commission through the prioritization process adopted under Section [72-1-304](#).

861 (e) (i) The Legislature may only appropriate money from the fund for a public transit
862 capital development project or pedestrian or nonmotorized transportation project that provides

863 connection to the public transit system if the public transit district or political subdivision
864 provides funds of equal to or greater than 40% of the costs needed for the project.

865 (ii) A public transit district or political subdivision may use money derived from a loan
866 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
867 part of the 40% requirement described in Subsection (9)(e)(i) if:

868 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
869 State Infrastructure Bank Fund; and

870 (B) the proposed capital project has been prioritized by the commission pursuant to
871 Section [72-1-303](#).

872 Section 10. Section **72-9-501** is amended to read:

873 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
874 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**
875 **agents.**

876 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
877 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
878 including laws relating to:

879 (i) driver qualifications;

880 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

881 (iii) vehicle registration;

882 (iv) fuel tax payment;

883 (v) vehicle size, weight, and load;

884 (vi) security or insurance;

885 (vii) this chapter;

886 (viii) hazardous material as defined under 49 U.S.C. 5102; and

887 [~~(ix) livestock transportation; and~~]

888 [~~(x)~~] (ix) safety.

889 (b) The ports-of-entry shall be located on state highways at sites determined by the
890 department.

891 (2) (a) The ports-of-entry shall be operated and maintained by the department.

892 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,
893 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

894 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
895 in this section is committed, may:

896 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

897 (ii) request and administer chemical tests to determine blood alcohol concentration in
898 compliance with Section 41-6a-515;

899 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

900 (iv) serve a driver with notice of the Driver License Division of the Department of
901 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle
902 in accordance with Section 53-3-418.

903 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
904 port-of-entry agent who is not a peace officer or special function officer designated under Title
905 53, Chapter 13, Peace Officer Classifications.

906 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources
907 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections
908 23-27-301 and 23-27-302.

909 (b) The department is not responsible for decontaminating a conveyance or equipment
910 detained or quarantined.

911 (c) The Division of Wildlife Resources may decontaminate, as defined in Section
912 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

913 Section 11. Section 72-9-502 is amended to read:

914 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**
915 **Rulemaking -- By-pass permits.**

916 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
917 vehicle weight of 10,001 pounds or more [~~or any motor vehicle carrying livestock as defined in~~
918 ~~Section 4-24-102~~] shall stop at a port-of-entry as required under this section.

919 (2) The department may erect and maintain signs directing motor vehicles to a
920 port-of-entry as provided in this section.

921 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt
922 from this section if:

923 (a) the total one-way trip distance for the motor vehicle would be increased by more
924 than 5% or three miles, whichever is greater if diverted to a port-of-entry;

925 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit
926 issued under Subsection (4); or

927 (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102
928 being operated only incidentally on a highway as described in Section 41-1a-202.

929 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
930 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit
931 exempting a motor vehicle from the provisions of Subsection (1) if the department determines
932 that the permit is needed to accommodate highway transportation needs due to multiple daily or
933 weekly trips in the proximity of a port-of-entry.

934 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a
935 motor carrier for multiple motor vehicles.

936 Section 12. Section 72-9-604 is amended to read:

937 **72-9-604. Preemption of local authorities -- Tow trucks.**

938 (1) (a) Notwithstanding any other provision of law, a political subdivision of this state
939 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor
940 carrier, tow truck operator, or tow truck that conflicts with:

941 (i) any provision of this part;

942 (ii) Section 41-6a-1401;

943 (iii) Section 41-6a-1407; or

944 (iv) rules made by the department under this part.

945 (b) A county or municipal legislative governing body may not charge a fee for the
946 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

947 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

948 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
949 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
950 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
951 41-6a-1406.

952 (2) A tow truck motor carrier that has a county or municipal business license for a
953 place of business located within that county or municipality may not be required to obtain
954 another business license in order to perform a tow truck service in another county or
955 municipality if there is not a business location in the other county or municipality.

956 (3) A county or municipal legislative or governing body may not require a tow truck
957 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing
958 certificate by the department, as described in Section 72-9-602, to obtain an additional towing
959 certificate.

960 (4) A county or municipal legislative body may require an annual tow truck safety
961 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:

962 (a) no fee is charged for the inspection; and

963 (b) the inspection complies with federal motor carrier safety regulations.

964 (5) A tow truck shall be subject to only one annual safety inspection under Subsection
965 (4)(b). A county or municipality that requires the additional annual safety inspection shall
966 accept the same inspection performed by another county or municipality.

967 (6) (a) (i) Beginning on July 1, 2021, except as provided in Subsection (6)(a)(ii) or
968 (6)(e), a political subdivision or state agency may not charge an applicant a fee or charge
969 related to dispatch costs in order to be part of the towing rotation of that political subdivision or
970 state agency.

971 (ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D,
972 Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to
973 dispatch costs in order to be part of the towing rotation of that special service district.

974 (b) In addition to the fees set by the department in rules made in accordance with
975 Subsection 72-9-603(16), a tow truck motor carrier may charge a fee to cover the costs of a
976 dispatch charge described in Subsection (6)(a).

977 (c) The amount of the fee described in Subsection (6)(b) may not exceed the amount
978 charged to the tow truck motor carrier for dispatch services under Subsection (6)(a).

979 (d) A political subdivision or state agency that does not charge a dispatch fee as of
980 January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).

981 (e) (i) Notwithstanding Subsection (6)(a)(i), the Department of Public Safety may
982 establish a pilot program in one county and contract with a tow management company for the
983 purposes of increasing efficiency, effectiveness, and transparency in towing dispatch and
984 towing rotation management.

985 (ii) The tow management company for the pilot program shall be selected using the
986 standard procurement process through a request for proposals.

987 (iii) (A) Consistent with the contract described in Subsection (6)(e)(i), the tow
988 management company may charge a fee to an applicant as part of the management of the
989 towing rotation.

990 (B) The tow truck motor carrier may include a charge, not to exceed the fee of the tow
991 management company, as part of the charges allowable for tow services under the towing
992 rotation.

993 (iv) The pilot program described in this Subsection (6)(e) may remain in place until
994 December 31, 2023.

995 (7) A towing entity may not require a tow truck operator who has received an
996 authorized towing certificate from the department to submit additional criminal background
997 check information for inclusion of the tow truck motor carrier on a rotation.

998 (8) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
999 operator that responds may not respond to the location in a tow truck that is owned by a tow
1000 truck motor carrier that is different than the tow truck motor carrier that was dispatched.