

Wayne A. Harper proposes the following substitute bill:

Motor Vehicle Division Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions pertaining to the Motor Vehicle Division to make technical
6 changes and clean up.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms related to trailers, motorboats, and motorcycles;
- 10 ▶ allows a fleet of personal vehicles to be registered as a fleet;
- 11 ▶ clarifies that a street-legal off-highway vehicle includes an off-highway motorcycle that
12 has been modified to have equipment necessary for on-highway use;
- 13 ▶ clarifies which registration fees apply to certain vehicles;
- 14 ▶ amends provisions related to insurance for a motorboat, to only require the designated
15 agent to notify the Motor Vehicle Division of a lapse in coverage during the months of
16 April through October;
- 17 ▶ revises provisions related to sales and use taxes to simplify certain earmarks; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

- 25 **11-70-207 (Effective 07/01/26)**, as enacted by Laws of Utah 2024, Chapter 419
- 26 **26B-1-315 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 439
- 27 **41-1a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 483
- 28 **41-1a-110 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 212

29 **41-1a-215 (Effective 01/01/26)**, as last amended by Laws of Utah 2012, Chapter 397
 30 **41-1a-1206 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 483
 31 **41-6a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236
 32 **41-6a-1509 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 459
 33 **41-12a-804 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236
 34 **41-22-2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 242
 35 **41-22-3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236
 36 **41-22-5.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 68
 37 **41-22-10.7 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 68
 38 **41-22-10.8 (Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 363
 39 **51-9-902 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 41
 40 **53-2a-1102 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapters 34,
 41 471
 42 **59-12-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 274
 43 **59-12-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 88, 501
 44 **59-12-104.2 (Effective 07/01/26)**, as last amended by Laws of Utah 2022, Chapter 274
 45 **59-12-1201 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 274
 46 **63N-2-510 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 471
 47 **63N-2-512 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 159
 48 **72-2-106 (Effective 07/01/26)**, as last amended by Laws of Utah 2023, Chapter 22
 49 **72-2-124 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapters 498, 501
 50 **73-2-1.6 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 154

51

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

53 Section 1. Section **11-70-207** is amended to read:

54 **11-70-207 (Effective 07/01/26). Use of fairpark district funds.**

55 (1)(a) Subject to Subsection (2), the fairpark district may use fairpark district funds for
 56 any purpose authorized under this chapter, including to pay for:

57 (i) the development and construction of a qualified stadium;

58 (ii) administrative, overhead, legal, consulting, and other operating expenses of the
 59 fairpark district;

60 (iii) all or part of the development of land within a project area, including:

61 (A) financing or refinancing; and

62 (B) assisting the ongoing operation of a development or facility within the project

- 63 area;
- 64 (iv) the cost of the installation of public infrastructure and improvements outside a
65 project area if the board determines by resolution that the infrastructure and
66 improvements are of benefit to the project area;
- 67 (v) the principal and interest on bonds issued by the fairpark district;
- 68 (vi) the payment of an infrastructure loan, as defined in Section 11-70-104, according
69 to the terms of the infrastructure loan; and
- 70 (vii) the costs of promoting, facilitating, and implementing other development of land
71 within the fairpark district boundary.

72 (b) The determination of the board under Subsection (1)(a)(iv) regarding benefit to the
73 project area is final.

74 (2)(a) The fairpark district may use money it receives under Subsection 59-12-1201
75 (2)(a)(ii) and Subsection [~~59-12-103(16)~~] 59-12-103(8) only for the development and
76 construction of a qualified stadium, including paying for bonds issued to pay for the
77 development and construction of a qualified stadium.

78 (b) If the amount of money the fairpark district receives under Subsection (2)(a) exceeds
79 the amount required to pay the annual debt service on bonds issued to pay for the
80 development and construction of a qualified stadium, the fairpark district shall use
81 the excess amount received to pay down the principal on those bonds.

82 (3) The fairpark district may share enhanced property tax revenue with a taxing entity that
83 levies a property tax on land within the project area from which the enhanced property
84 tax revenue is generated.

85 Section 2. Section **26B-1-315** is amended to read:

86 **26B-1-315 (Effective 07/01/26). Medicaid ACA Fund.**

87 (1) There is created an expendable special revenue fund known as the "Medicaid ACA
88 Fund."

89 (2) The fund consists of:

- 90 (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;
- 91 (b) intergovernmental transfers under Section 26B-3-508;
- 92 (c) savings attributable to the health coverage improvement program, as defined in
93 Section 26B-3-501, as determined by the department;
- 94 (d) savings attributable to the enhancement waiver program, as defined in Section
95 26B-3-501, as determined by the department;
- 96 (e) savings attributable to the Medicaid waiver expansion, as defined in Section

- 97 26B-3-501, as determined by the department;
- 98 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
- 99 under Subsection 26B-3-105(3) as determined by the department;
- 100 (g) revenues collected from the sales tax described in Subsection [~~59-12-103(11)~~
- 101 ~~59-12-103(6)~~];
- 102 (h) gifts, grants, donations, or any other conveyance of money that may be made to the
- 103 fund from private sources;
- 104 (i) interest earned on money in the fund; and
- 105 (j) additional amounts as appropriated by the Legislature.
- 106 (3)(a) The fund shall earn interest.
- 107 (b) All interest earned on fund money shall be deposited into the fund.
- 108 (4)(a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient
- 109 Hospital Assessment, may use money from the fund to pay the costs, not otherwise
- 110 paid for with federal funds or other revenue sources, of:
- 111 (i) the health coverage improvement program as defined in Section 26B-3-501;
- 112 (ii) the enhancement waiver program as defined in Section 26B-3-501;
- 113 (iii) a Medicaid waiver expansion as defined in Section 26B-3-501; and
- 114 (iv) the outpatient upper payment limit supplemental payments under Section
- 115 26B-3-511.
- 116 (b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital
- 117 Assessment, may not use:
- 118 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper
- 119 payment limit supplemental payments; or
- 120 (ii) money in the fund for any purpose not described in Subsection (4)(a).
- 121 Section 3. Section **41-1a-102** is amended to read:
- 122 **41-1a-102 (Effective 05/07/25). Definitions.**
- 123 As used in this chapter:
- 124 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- 125 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
- 126 vehicles as operated and certified to by a weighmaster.
- 127 (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 128 (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 129 (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 130 (6) "Alternative fuel vehicle" means:

- 131 (a) an electric motor vehicle;
- 132 (b) a hybrid electric motor vehicle;
- 133 (c) a plug-in hybrid electric motor vehicle; or
- 134 (d) a motor vehicle powered exclusively by a fuel other than:
- 135 (i) motor fuel;
- 136 (ii) diesel fuel;
- 137 (iii) natural gas; or
- 138 (iv) propane.
- 139 (7) "Amateur radio operator" means a person licensed by the Federal Communications
140 Commission to engage in private and experimental two-way radio operation on the
141 amateur band radio frequencies.
- 142 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 143 (9) "Automated driving system" means the same as that term is defined in Section
144 41-26-102.1.
- 145 (10) "Branded title" means a title certificate that is labeled:
- 146 (a) rebuilt and restored to operation;
- 147 (b) flooded and restored to operation; or
- 148 (c) not restored to operation.
- 149 (11) "Camper" means a structure designed, used, and maintained primarily to be mounted
150 on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile
151 dwelling, sleeping place, commercial space, or facilities for human habitation or for
152 camping.
- 153 (12) "Certificate of title" means a document issued by a jurisdiction to establish a record of
154 ownership between an identified owner and the described vehicle, vessel, or outboard
155 motor.
- 156 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
157 weighmaster.
- 158 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained
159 for the transportation of persons or property that operates:
- 160 (a) as a carrier for hire, compensation, or profit; or
- 161 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
162 owner's commercial enterprise.
- 163 (15) "Commission" means the State Tax Commission.
- 164 (16) "Consumer price index" means the same as that term is defined in Section 59-13-102.

- 165 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
166 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright
167 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an
168 established place of business for the sale, lease, trade, or display of vehicles, vessels, or
169 outboard motors.
- 170 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- 171 (19) "Division" means the Motor Vehicle Division of the commission, created in Section
172 41-1a-106.
- 173 (20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- 174 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric
175 motor drawing current from a rechargeable energy storage system.
- 176 (22) "Essential parts" means the integral and body parts of a vehicle of a type required to be
177 registered in this state, the removal, alteration, or substitution of which would tend to
178 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model,
179 type, or mode of operation.
- 180 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
181 implement for drawing plows, mowing machines, and other implements of husbandry.
- 182 (24)(a) "Farm truck" means a truck used by the owner or operator of a farm solely for
183 the owner's or operator's own use in the transportation of:
- 184 (i) farm products, including livestock and its products, poultry and its products,
185 floricultural and horticultural products;
- 186 (ii) farm supplies, including tile, fence, and any other thing or commodity used in
187 agricultural, floricultural, horticultural, livestock, and poultry production; and
- 188 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
189 other purposes connected with the operation of a farm.
- 190 (b) "Farm truck" does not include the operation of trucks by commercial processors of
191 agricultural products.
- 192 (25) "Fleet" means:
- 193 (a) one or more commercial vehicles; or
- 194 (b) for purposes of Section 41-1a-215, one or more personal vehicles.
- 195 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this
196 state from another state, territory, or country other than in the ordinary course of
197 business by or through a manufacturer or dealer, and not registered in this state.
- 198 (27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles,

- 199 equipped for operation, to which shall be added the maximum load to be carried.
- 200 (28) "Highway" or "street" means the entire width between property lines of every way or
201 place of whatever nature when any part of it is open to the public, as a matter of right,
202 for purposes of vehicular traffic.
- 203 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy
204 from onboard sources of stored energy that are both:
- 205 (a) an internal combustion engine or heat engine using consumable fuel; and
206 (b) a rechargeable energy storage system where energy for the storage system comes
207 solely from sources onboard the vehicle.
- 208 (30)(a) "Identification number" means the identifying number assigned by the
209 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or
210 outboard motor.
- 211 (b) "Identification number" includes a vehicle identification number, state assigned
212 identification number, hull identification number, and motor serial number.
- 213 (31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively
214 for an agricultural operation and only incidentally operated or moved upon the highways.
- 215 (32)(a) "In-state miles" means the total number of miles operated in this state during the
216 preceding year by fleet power units.
- 217 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the
218 total number of miles that those vehicles were towed on Utah highways during the
219 preceding year.
- 220 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,
221 province, territory, or possession of the United States or foreign country.
- 222 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or
223 possession of the United States or any foreign country.
- 224 (35) "Lienholder" means a person with a security interest in particular property.
- 225 (36) "Manufactured home" means a transportable factory built housing unit constructed on
226 or after June 15, 1976, according to the Federal Home Construction and Safety
227 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling
228 mode, is eight body feet or more in width or 40 body feet or more in length, or when
229 erected on site, is 400 or more square feet, and which is built on a permanent chassis and
230 designed to be used as a dwelling with or without a permanent foundation when
231 connected to the required utilities, and includes the plumbing, heating, air-conditioning,
232 and electrical systems.

- 233 (37) "Manufacturer" means a person engaged in the business of constructing,
234 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
235 outboard motors for the purpose of sale or trade.
- 236 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use
237 by armed forces and that is maintained in a condition that represents the vehicle's
238 military design and markings regardless of current ownership or use.
- 239 (39) "Mobile home" means a transportable factory built housing unit built prior to June 15,
240 1976, in accordance with a state mobile home code which existed prior to the Federal
241 Manufactured Housing and Safety Standards Act (HUD Code).
- 242 (40) "Motor fuel" means the same as that term is defined in Section 59-13-102.
- 243 (41)(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
244 operation on the highways.
- 245 (b) "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.
- 246 (c) "Motor vehicle" does not include:
- 247 (i) an off-highway vehicle; or
- 248 (ii) a motor assisted scooter as defined in Section 41-6a-102.
- 249 (42) "Motorboat" means the same as that term is defined in Section ~~[73-18-2]~~ 73-18c-102.
- 250 (43) "Motorcycle" means:
- 251 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
252 more than three wheels in contact with the ground; or
- 253 (b) an auticycle.
- 254 (44) "Natural gas" means a fuel of which the primary constituent is methane.
- 255 (45)(a) "Nonresident" means a person who is not a resident of this state as defined by
256 Section 41-1a-202, and who does not engage in intrastate business within this state
257 and does not operate in that business any motor vehicle, trailer, or semitrailer within
258 this state.
- 259 (b) A person who engages in intrastate business within this state and operates in that
260 business any motor vehicle, trailer, or semitrailer in this state or who, even though
261 engaging in interstate commerce, maintains a vehicle in this state as the home station
262 of that vehicle is considered a resident of this state, insofar as that vehicle is
263 concerned in administering this chapter.
- 264 (46) "Odometer" means a device for measuring and recording the actual distance a vehicle
265 travels while in operation, but does not include any auxiliary odometer designed to be
266 periodically reset.

- 267 (47) "Off-highway implement of husbandry" means the same as that term is defined in
268 Section 41-22-2.
- 269 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.
- 270 (49)(a) "Operate" means:
- 271 (i) to navigate a vessel; or
- 272 (ii) collectively, the activities performed in order to perform the entire dynamic
273 driving task for a given motor vehicle by:
- 274 (A) a human driver as defined in Section 41-26-102.1; or
- 275 (B) an engaged automated driving system.
- 276 (b) "Operate" includes testing of an automated driving system.
- 277 (50) "Original issue license plate" means a license plate that is of a format and type issued
278 by the state in the same year as the model year of a vehicle that is a model year 1973 or
279 older.
- 280 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel
281 supply, used to propel a vessel.
- 282 (52)(a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
283 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
284 subject to a security interest.
- 285 (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale
286 or mortgage of the vehicle with the right of purchase upon performance of the
287 conditions stated in the agreement and with an immediate right of possession vested
288 in the conditional vendee or mortgagor, or if the vehicle is the subject of a security
289 agreement, then the conditional vendee, mortgagor, or debtor is considered the owner
290 for the purposes of this chapter.
- 291 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner
292 until the lessee exercises the lessee's option to purchase the vehicle.
- 293 (53) "Park model recreational vehicle" means a unit that:
- 294 (a) is designed and marketed as temporary living quarters for recreational, camping,
295 travel, or seasonal use;
- 296 (b) is not permanently affixed to real property for use as a permanent dwelling;
- 297 (c) requires a special highway movement permit for transit; and
- 298 (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding
299 400 square feet in the setup mode.
- 300 (54) "Personal vehicle" means a vehicle that is not a commercial vehicle.

- 301 ~~[(54)]~~ (55) "Personalized license plate" means a license plate that has displayed on it a
302 combination of letters, numbers, or both as requested by the owner of the vehicle and
303 assigned to the vehicle by the division.
- 304 ~~[(55)]~~ (56)(a) "Pickup truck" means a two-axle motor vehicle with motive power
305 manufactured, remanufactured, or materially altered to provide an open cargo area.
306 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
307 camper, camper shell, tarp, removable top, or similar structure.
- 308 ~~[(56)]~~ (57) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle
309 that has the capability to charge the battery or batteries used for vehicle propulsion from
310 an off-vehicle electric source, such that the off-vehicle source cannot be connected to the
311 vehicle while the vehicle is in motion.
- 312 ~~[(57)]~~ (58) "Pneumatic tire" means a tire in which compressed air is designed to support the
313 load.
- 314 ~~[(58)]~~ (59) "Preceding year" means a period of 12 consecutive months fixed by the division
315 that is within 16 months immediately preceding the commencement of the registration or
316 license year in which proportional registration is sought. The division in fixing the
317 period shall conform it to the terms, conditions, and requirements of any applicable
318 agreement or arrangement for the proportional registration of vehicles.
- 319 ~~[(59)]~~ (60) "Public garage" means a building or other place where vehicles or vessels are
320 kept and stored and where a charge is made for the storage and keeping of vehicles and
321 vessels.
- 322 ~~[(60)]~~ (61) "Receipt of surrender of ownership documents" means the receipt of surrender of
323 ownership documents described in Section 41-1a-503.
- 324 ~~[(61)]~~ (62) "Reconstructed vehicle" means a vehicle of a type required to be registered in
325 this state that is materially altered from its original construction by the removal,
326 addition, or substitution of essential parts, new or used.
- 327 ~~[(62)]~~ (63) "Recreational vehicle" means the same as that term is defined in Section
328 13-14-102.
- 329 ~~[(63)]~~ (64) "Registration" means a document issued by a jurisdiction that allows operation of
330 a vehicle or vessel on the highways or waters of this state for the time period for which
331 the registration is valid and that is evidence of compliance with the registration
332 requirements of the jurisdiction.
- 333 ~~[(64)]~~ (65) "Registration decal" means the decal issued by the division that is evidence of
334 compliance with the division's registration requirements.

- 335 [(65)] (66)(a) "Registration year" means a 12 consecutive month period commencing
 336 with the completion of the applicable registration criteria.
- 337 (b) For administration of a multistate agreement for proportional registration the division
 338 may prescribe a different 12-month period.
- 339 [(66)] (67) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
 340 motors to a sound working condition by substituting any inoperative part of the vehicle,
 341 vessel, or outboard motor, or by correcting the inoperative part.
- 342 [(67)] (68) "Replica vehicle" means:
- 343 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
 344 (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507
 345 (1)(a)(i)(B).
- 346 [(68)] (69) "Restored-modified vehicle" means a motor vehicle that has been restored and
 347 modified with modern parts and technology, including emission control technology and
 348 an on-board diagnostic system.
- 349 [(69)] (70) "Road tractor" means a motor vehicle designed and used for drawing other
 350 vehicles and constructed so it does not carry any load either independently or any part of
 351 the weight of a vehicle or load that is drawn.
- 352 [(70)] (71) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.
- 353 [(71)] (72) "Sailboat" means the same as that term is defined in Section 73-18-2.
- 354 [(72)] (73) "Security interest" means an interest that is reserved or created by a security
 355 agreement to secure the payment or performance of an obligation and that is valid
 356 against third parties.
- 357 ~~[(73) "Semitrailer" means a vehicle without motive power designed for carrying persons or
 358 property and for being drawn by a motor vehicle and constructed so that some part of its
 359 weight and its load rests or is carried by another vehicle.]~~
- 360 (74) "Semitrailer" means the same as the term "trailer."
- 361 [(74)] (75) "Special group license plate" means a type of license plate designed for a
 362 particular group of people or a license plate authorized and issued by the division in
 363 accordance with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.
- 364 [(75)] (76)(a) "Special interest vehicle" means a vehicle used for general transportation
 365 purposes and that is:
- 366 (i) 20 years or older from the current year; or
 367 (ii) a make or model of motor vehicle recognized by the division director as having
 368 unique interest or historic value.

- 369 (b) In making a determination under Subsection [~~(75)~~(a)] (76)(a), the division director
370 shall give special consideration to:
- 371 (i) a make of motor vehicle that is no longer manufactured;
372 (ii) a make or model of motor vehicle produced in limited or token quantities;
373 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
374 designed exclusively for educational purposes or museum display; or
375 (iv) a motor vehicle of any age or make that has not been substantially altered or
376 modified from original specifications of the manufacturer and because of its
377 significance is being collected, preserved, restored, maintained, or operated by a
378 collector or hobbyist as a leisure pursuit.
- 379 [~~(76)~~] (77)(a) "Special mobile equipment" means a vehicle:
- 380 (i) not designed or used primarily for the transportation of persons or property;
381 (ii) not designed to operate in traffic; and
382 (iii) only incidentally operated or moved over the highways.
- 383 (b) "Special mobile equipment" includes:
- 384 (i) farm tractors;
385 (ii) off-road motorized construction or maintenance equipment including backhoes,
386 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
387 (iii) ditch-digging apparatus.
- 388 (c) "Special mobile equipment" does not include a commercial vehicle as defined under
389 Section 72-9-102.
- 390 [~~(77)~~] (78) "Specially constructed vehicle" means a vehicle of a type required to be
391 registered in this state, not originally constructed under a distinctive name, make, model,
392 or type by a generally recognized manufacturer of vehicles, and not materially altered
393 from its original construction.
- 394 [~~(78)~~] (79)(a) "Standard license plate" means a license plate for general issue described
395 in Subsection 41-1a-402(1).
- 396 (b) "Standard license plate" includes a license plate for general issue that the division
397 issues before January 1, 2024.
- 398 [~~(79)~~] (80) "State impound yard" means a yard for the storage of a vehicle, vessel, or
399 outboard motor that meets the requirements of rules made by the commission as
400 described in Subsection 41-1a-1101(7).
- 401 [~~(80)~~] (81) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that
402 term is defined in Section 41-6a-102.

- 403 [(81)] (82) "Symbol decal" means the decal that is designed to represent a special group and
404 displayed on a special group license plate.
- 405 [(82)] (83) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.
- 406 [(83)] (84)(a) "Total fleet miles" means the total number of miles operated in all
407 jurisdictions during the preceding year by power units.
- 408 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the
409 number of miles that those vehicles were towed on the highways of all jurisdictions
410 during the preceding year.
- 411 [(84)] (85) "Tow truck motor carrier" means the same as that term is defined in Section
412 72-9-102.
- 413 [(85)] (86) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 414 ~~[(86) "Trailer" means a vehicle without motive power designed for carrying persons or
415 property and for being drawn by a motor vehicle and constructed so that no part of its
416 weight rests upon the towing vehicle.]~~
- 417 (87) "Trailer" means a vehicle:
- 418 (a) without motive power; and
- 419 (b) designed for:
- 420 (i) carrying persons or property; and
- 421 (ii) being drawn by a motor vehicle.
- 422 [(87)] (88) "Transferee" means a person to whom the ownership of property is conveyed by
423 sale, gift, or any other means except by the creation of a security interest.
- 424 [(88)] (89) "Transferor" means a person who transfers the person's ownership in property by
425 sale, gift, or any other means except by creation of a security interest.
- 426 [(89)] (90) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
427 vehicle without motive power, designed as a temporary dwelling for travel, recreational,
428 or vacation use that does not require a special highway movement permit when drawn
429 by a self-propelled motor vehicle.
- 430 [(90)] (91) "Truck tractor" means a motor vehicle designed and used primarily for drawing
431 other vehicles and not constructed to carry a load other than a part of the weight of the
432 vehicle and load that is drawn.
- 433 [(91)] (92) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
434 camper, park model recreational vehicle, manufactured home, and mobile home.
- 435 [(92)] (93) "Vessel" means the same as that term is defined in Section 73-18-2.
- 436 [(93)] (94) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

437 [(94)] (95) "Waters of this state" means the same as that term is defined in Section 73-18-2.
 438 [(95)] (96) "Weighmaster" means a person, association of persons, or corporation permitted
 439 to weigh vehicles under this chapter.

440 Section 4. Section **41-1a-110** is amended to read:

441 **41-1a-110 (Effective 05/07/25). Authority of division to suspend or revoke**
 442 **registration, certificate of title, license plate, or permit.**

443 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a
 444 registration, certificate of title, license plate, or permit if:

- 445 (a) the division is satisfied that a registration, certificate of title, license plate, or permit
 446 was fraudulently procured or erroneously issued;
- 447 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be
 448 operated or moved upon the highways;
- 449 (c) a registered vehicle has been dismantled;
- 450 (d) the division determines that the required fee has not been paid and the fee is not paid
 451 upon reasonable notice and demand;
- 452 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle
 453 other than the one for which issued;
- 454 (f) the division determines that the owner has committed any offense under this chapter
 455 involving the registration, certificate of title, registration card, license plate,
 456 registration decal, or permit; or
- 457 (g) the division receives notification by the Department of Transportation that the owner
 458 has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

459 (2)(a) The division shall revoke the registration of a vehicle if the division receives
 460 notification by the:

- 461 (i) Department of Public Safety that a person:
 - 462 (A) has been convicted of operating a registered motor vehicle in violation of
 463 Section 41-12a-301 or 41-12a-303.2; or
 - 464 (B) is under an administrative action taken by the Department of Public Safety for
 465 operating a registered motor vehicle in violation of Section 41-12a-301; ~~or~~
- 466 (ii) designated agent that the owner of a motor vehicle:
 - 467 (A) has failed to provide satisfactory proof of owner's or operator's security to the
 468 designated agent after the second notice provided under Section 41-12a-804; or
 - 469 (B) provided a false or fraudulent statement to the designated agent ~~[-]~~ ; or
- 470 (iii) designated agent that, during the months of April through October, the owner of

- 471 a motorboat:
- 472 (A) has failed to provide satisfactory proof of owner's or operator's security to the
- 473 designated agent after the second notice provided under Section 41-12a-804; or
- 474 (B) provided a false or fraudulent statement to the designated agent.
- 475 (b) The division shall notify the Driver License Division if the division revokes the
- 476 registration of a vehicle under Subsection (2)(a)(ii)(A).
- 477 (3) The division may not suspend or revoke the registration of a vessel or outboard motor
- 478 unless authorized under Section 73-18-7.3.
- 479 (4) The division may not suspend or revoke the registration of an off-highway vehicle
- 480 unless authorized under Section 41-22-17.
- 481 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if
- 482 the registration is revoked under Subsection (2).
- 483 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke
- 484 a registered vehicle's registration if the division is notified by a local health department,
- 485 as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or
- 486 local air emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).
- 487 (7) The division may not suspend or revoke a registered vehicle's registration under
- 488 Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating
- 489 that is greater than 26,000 pounds.

490 Section 5. Section **41-1a-215** is amended to read:

491 **41-1a-215 (Effective 01/01/26). Staggered registration dates -- Exceptions.**

- 492 (1)(a) Except as provided under Subsections (2) and (3), every vehicle registration,
- 493 every registration card, and every registration plate issued under this chapter for the
- 494 first registration of the vehicle in this state, continues in effect for a period of 12
- 495 months beginning with the first day of the calendar month of registration and does
- 496 not expire until the last day of the same month in the following year.
- 497 (b) If the last day of the registration period falls on a day in which the appropriate state
- 498 or county offices are not open for business, the registration of the vehicle is extended
- 499 to midnight of the next business day.
- 500 (2) The provisions of Subsection (1) do not apply to the following:
- 501 (a) registration issued to government vehicles under Section 41-1a-221;
- 502 (b) registration issued to apportioned vehicles under Section 41-1a-301;
- 503 (c) multiyear registration issued under Section 41-1a-222;
- 504 (d) lifetime trailer registration issued under Section 41-1a-1206;

- 505 (e) partial year registration issued under Section 41-1a-1207;
- 506 (f) a six-month registration issued under Section 41-1a-215.5; or
- 507 (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter
- 508 under [Title 41, Chapter 3, Part 5, Special Dealer License Plates] Chapter 3, Part 5,
- 509 Special Dealer License Plates.

510 (3)(a) Upon application of the owner or lessee of a fleet of commercial vehicles not

511 apportioned under Section 41-1a-301 and required to be registered in this state, the

512 State Tax Commission may permit the vehicles to be registered for a registration

513 period commencing on the first day of March, June, September, or December of any

514 year and expiring on the last day of March, June, September, or December in the

515 following year.

516 (b) Upon application of the owner or lessee of a fleet of commercial vehicles

517 apportioned under Section 41-1a-301 and required to be registered in this state, the

518 State Tax Commission may permit the vehicles to be registered for a registration

519 period commencing on the first day of January, April, July, or October of any year

520 and expiring on the last day of March, June, September, or December in the

521 following year.

522 (c) ~~Ĥ~~ → (i) ← ~~Ĥ~~ Upon application of the owner or lessee of a fleet of personal

522a vehicles required to be

523 registered in this state, the State Tax Commission may permit the vehicles to be

524 registered for a registration period commencing on the first day of ~~Ĥ~~ → [January,

524a April,] ← ~~Ĥ~~

525 ~~Ĥ~~ → [July, or October] February, May, August, or November ← ~~Ĥ~~

525a of any year and expiring on the last day of ~~Ĥ~~ → [January, April, July, or] ← ~~Ĥ~~

526 ~~Ĥ~~ → [October] February, May, August, or November ← ~~Ĥ~~ of the

526a following year.

526b ~~Ĥ~~ → (ii) **If the registration period for a personal vehicle is adjusted under**

526c **Subsection (3)(c)(i), the registration fees for the adjustment are:**

526d **(A) 25% of the regular registration fees if the adjustment is for not more than**

526e **three months;**

526f **(B) 50% of the regular registration fees if the adjustment is in excess of three**

526g **months but not more than six months;**

526h **(C) 75% of the regular registration fees if the adjustment is in excess of six**

526i **months but not more than nine months; and**

526j **(D) 100% of the regular registration fees if the adjustment is in excess of nine**
 526k **months but not more than 12 months.** ←H

527 (4) When the expiration of a registration plate is extended by affixing a registration decal to
 528 it, the expiration of the decal governs the expiration date of the plate.

529 Section 6. Section **41-1a-1206** is amended to read:

530 **41-1a-1206 (Effective 05/07/25). Registration fees -- Fees by gross laden weight.**

531 (1) Except as provided in Subsections (2) and (3), at the time application is made for
 532 registration or renewal of registration of a vehicle or combination of vehicles under this
 533 chapter, a registration fee shall be paid to the division as follows:

534 (a) \$46.00 for each motorcycle;

535 (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
 536 motorcycles;

537 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
 538 or is registered under Section 41-1a-301:

539 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

540 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or
 541 less gross unladen weight;

542 (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
 543 gross laden weight; plus

544 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

545 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding
 546 farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
 547 weight; plus

548 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

549 (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
 550 exceeding 14,000 pounds gross laden weight; plus

551 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

552 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;

553 (h) in addition to the fee described in Subsection (1)(b):

554 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:

555 (A) each electric motor vehicle; and

556 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled
 557 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
 558 propane;

- 559 (ii) \$21.75 for each hybrid electric motor vehicle; and
560 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 561 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a
562 model year of 1983 or newer, 50 cents; and
- 563 (j) \$28.50 for each roadable aircraft.
- 564 (2)(a) At the time application is made for registration or renewal of registration of a
565 vehicle under this chapter for a six-month registration period under Section
566 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 567 (i) \$34.50 for each motorcycle; and
568 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
569 excluding motorcycles.
- 570 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
571 registration of a vehicle under this chapter for a six-month registration period under
572 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 573 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
574 (A) each electric motor vehicle; and
575 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled
576 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
577 propane;
- 578 (ii) \$16.50 for each hybrid electric motor vehicle; and
579 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 580 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 581 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
582 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
583 shall also pay an additional \$7 as part of the registration fee; and
- 584 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
585 pay an additional \$5 as part of the registration fee.
- 586 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
587 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
588 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
589 by taking the registration fee rate for the previous year and adding an amount
590 equal to the greater of:
- 591 (A) an amount calculated by multiplying the registration fee of the previous year
592 by the actual percentage change during the previous fiscal year in the

- 593 Consumer Price Index; and
594 (B) 0.
- 595 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
596 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and
597 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and
598 adding an amount equal to the greater of:
- 599 (A) an amount calculated by multiplying the registration fee of the previous year
600 by the actual percentage change during the previous fiscal year in the
601 Consumer Price Index; and
602 (B) 0.
- 603 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
604 nearest 25 cents.
- 605 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
606 older is \$40.
- 607 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
608 of registration fees under Subsection (1).
- 609 (c) A vehicle with a Purple Heart special group license plate issued on or before
610 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group
611 License Plates, is exempt from the registration fees under Subsection (1).
- 612 (d) A camper is exempt from the registration fees under Subsection (1).
- 613 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor
614 vehicle shall register for the total gross laden weight of all units of the combination if the
615 total gross laden weight of the combination exceeds 12,000 pounds.
- 616 (6)(a) Registration fee categories under this section are based on the gross laden weight
617 declared in the licensee's application for registration.
- 618 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
619 2,000 pounds is a full unit.
- 620 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to
621 registering under Subsection (1)(c), apply for and obtain a special registration and
622 license plate for a fee of \$130.
- 623 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck
624 unless:
- 625 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
626 (b)(i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

627 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
628 submits to the division a certificate of emissions inspection or a waiver in
629 compliance with Section 41-6a-1642.

630 (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less
631 than \$200.

632 (10) A motor vehicle registered as a street-legal all-terrain vehicle is:

633 (a) subject to the registration and other fees described in Section 41-22-9; and

634 (b) not required to pay an additional registration fee under this section.

635 ~~(10)~~ (11) Trucks used exclusively to pump cement, bore wells, or perform crane services
636 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of
637 the fees required for those vehicles under this section.

638 Section 7. Section **41-6a-102** is amended to read:

639 **41-6a-102 (Effective 05/07/25). Definitions.**

640 As used in this chapter:

641 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
642 or buildings in urban districts and not intended for through vehicular traffic.

643 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

644 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

645 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

646 (5) "Authorized emergency vehicle" includes:

647 (a) a fire department vehicle;

648 (b) a police vehicle;

649 (c) an ambulance; and

650 (d) other publicly or privately owned vehicles as designated by the commissioner of the
651 Department of Public Safety.

652 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

653 (7)(a) "Bicycle" means a wheeled vehicle:

654 (i) propelled by human power by feet or hands acting upon pedals or cranks;

655 (ii) with a seat or saddle designed for the use of the operator;

656 (iii) designed to be operated on the ground; and

657 (iv) whose wheels are not less than 14 inches in diameter.

658 (b) "Bicycle" includes an electric assisted bicycle.

659 (c) "Bicycle" does not include scooters and similar devices.

660 (8)(a) "Bus" means a motor vehicle:

- 661 (i) designed for carrying more than 15 passengers and used for the transportation of
662 persons; or
- 663 (ii) designed and used for the transportation of persons for compensation.
- 664 (b) "Bus" does not include a taxicab.
- 665 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
666 in design, located in the center of the intersection where traffic passes to the right of
667 the island.
- 668 (b) "Circular intersection" includes:
- 669 (i) roundabouts;
- 670 (ii) rotaries; and
- 671 (iii) traffic circles.
- 672 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
673 motor or electronics that:
- 674 (a) provides assistance only when the rider is pedaling; and
- 675 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 676 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
677 motor or electronics that:
- 678 (a) may be used exclusively to propel the bicycle; and
- 679 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
680 per hour.
- 681 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
682 motor or electronics that:
- 683 (a) provides assistance only when the rider is pedaling;
- 684 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
685 and
- 686 (c) is equipped with a speedometer.
- 687 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 688 (14) "Controlled-access highway" means a highway, street, or roadway:
- 689 (a) designed primarily for through traffic; and
- 690 (b) to or from which owners or occupants of abutting lands and other persons have no
691 legal right of access, except at points as determined by the highway authority having
692 jurisdiction over the highway, street, or roadway.
- 693 (15) "Crosswalk" means:
- 694 (a) that part of a roadway at an intersection included within the connections of the lateral

- 695 lines of the sidewalks on opposite sides of the highway measured from:
696 (i)(A) the curbs; or
697 (B) in the absence of curbs, from the edges of the traversable roadway; and
698 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
699 included within the extension of the lateral lines of the existing sidewalk at right
700 angles to the centerline; or
701 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
702 pedestrian crossing by lines or other markings on the surface.
- 703 (16) "Department" means the Department of Public Safety.
- 704 (17) "Direct supervision" means oversight at a distance within which:
705 (a) visual contact is maintained; and
706 (b) advice and assistance can be given and received.
- 707 (18) "Divided highway" means a highway divided into two or more roadways by:
708 (a) an unpaved intervening space;
709 (b) a physical barrier; or
710 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 711 (19) "Echelon formation" means the operation of two or more snowplows arranged
712 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
713 clear snow from two or more lanes at once.
- 714 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
715 (i) has a power output of not more than 750 watts;
716 (ii) has fully operable pedals;
717 (iii) has permanently affixed cranks that were installed at the time of the original
718 manufacture;
719 (iv) is fully operable as a bicycle without the use of the electric motor; and
720 (v) is one of the following:
721 (A) a class 1 electric assisted bicycle;
722 (B) a class 2 electric assisted bicycle;
723 (C) a class 3 electric assisted bicycle; or
724 (D) a programmable electric assisted bicycle.
- 725 (b) "Electric assisted bicycle" does not include:
726 (i) a moped;
727 (ii) a motor assisted scooter;
728 (iii) a motorcycle;

- 729 (iv) a motor-driven cycle; or
- 730 (v) any other vehicle with less than four wheels that is designed, manufactured,
- 731 intended, or advertised by the seller to have any of the following capabilities or
- 732 features, or that is modifiable or is modified to have any of the following
- 733 capabilities or features:
- 734 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
- 735 power alone;
- 736 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 737 (C) is equipped with foot pegs for the operator at the time of manufacture, or
- 738 requires installation of a pedal kit to have operable pedals; or
- 739 (D) if equipped with multiple operating modes and a throttle, has one or more
- 740 modes that exceed 20 miles per hour on motor power alone.
- 741 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- 742 (i) two nontandem wheels in contact with the ground;
- 743 (ii) a system capable of steering and stopping the unit under typical operating
- 744 conditions;
- 745 (iii) an electric propulsion system with average power of one horsepower or 750
- 746 watts;
- 747 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 748 (v) a deck design for a person to stand while operating the device.
- 749 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 750 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or
- 751 intended for the purpose of producing an explosion and that contains any oxidizing and
- 752 combustive units or other ingredients in proportions, quantities, or packing so that an
- 753 ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 754 compound or mixture may cause a sudden generation of highly heated gases, and the
- 755 resultant gaseous pressures are capable of producing destructive effects on contiguous
- 756 objects or of causing death or serious bodily injury.
- 757 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 758 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 759 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
- 760 determined by a Tagliabue or equivalent closed-cup test device.
- 761 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
- 762 defined in Section 72-1-102.

- 763 (26)(a) "Golf cart" means a device that:
- 764 (i) is designed for transportation by players on a golf course;
- 765 (ii) has not less than three wheels in contact with the ground;
- 766 (iii) has an unladen weight of less than 1,800 pounds;
- 767 (iv) is designed to operate at low speeds; and
- 768 (v) is designed to carry not more than six persons including the driver.
- 769 (b) "Golf cart" does not include:
- 770 (i) a low-speed vehicle or an off-highway vehicle;
- 771 (ii) a motorized wheelchair;
- 772 (iii) an electric personal assistive mobility device;
- 773 (iv) an electric assisted bicycle;
- 774 (v) a motor assisted scooter;
- 775 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 776 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 777 (27) "Gore area" means the area delineated by two solid white lines that is between a
- 778 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 779 including similar areas between merging or splitting highways.
- 780 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
- 781 load on the vehicle.
- 782 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 783 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 784 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 785 highway or railroad tracks.
- 786 (30) "Highway" means the entire width between property lines of every way or place of any
- 787 nature when any part of it is open to the use of the public as a matter of right for
- 788 vehicular travel.
- 789 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 790 (32)(a) "Intersection" means the area embraced within the prolongation or connection of
- 791 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
- 792 two or more highways that join one another.
- 793 (b) Where a highway includes two roadways 30 feet or more apart:
- 794 (i) every crossing of each roadway of the divided highway by an intersecting
- 795 highway is a separate intersection; and
- 796 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then

- 797 every crossing of two roadways of the highways is a separate intersection.
- 798 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 799 (33) "Island" means an area between traffic lanes or at an intersection for control of vehicle
800 movements or for pedestrian refuge designated by:
- 801 (a) pavement markings, which may include an area designated by two solid yellow lines
802 surrounding the perimeter of the area;
- 803 (b) channelizing devices;
- 804 (c) curbs;
- 805 (d) pavement edges; or
- 806 (e) other devices.
- 807 (34) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act
808 of overtaking and passing another vehicle that is stopped in the same direction of travel
809 in the same lane.
- 810 (35) "Law enforcement agency" means the same as that term is as defined in Section
811 53-1-102.
- 812 (36) "Limited access highway" means a highway:
- 813 (a) that is designated specifically for through traffic; and
- 814 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
815 persons have any right or easement, or have only a limited right or easement of
816 access, light, air, or view.
- 817 (37) "Local highway authority" means the legislative, executive, or governing body of a
818 county, municipal, or other local board or body having authority to enact laws relating to
819 traffic under the constitution and laws of the state.
- 820 (38)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 821 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 822 (ii) has a capacity of not more than six passengers, including a conventional driver or
823 fallback-ready user if on board the vehicle, as those terms are defined in Section
824 41-26-102.1.
- 825 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 826 (39) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or
827 partly of metal or other hard nonresilient material.
- 828 (40)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or
829 saddle that is less than 24 inches from the ground as measured on a level surface with
830 properly inflated tires.

- 831 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 832 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 833 (i) designed for off-highway use; and
- 834 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 835 (41) "Mobile home" means:
- 836 (a) a trailer or semitrailer that is:
- 837 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 838 place either permanently or temporarily; and
- 839 (ii) equipped for use as a conveyance on streets and highways; or
- 840 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
- 841 for use as a mobile home, as defined in Subsection (41)(a), but that is instead used
- 842 permanently or temporarily for:
- 843 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 844 (ii) any other commercial purpose except the transportation of property for hire or the
- 845 transportation of property for distribution by a private carrier.
- 846 (42) "Mobility disability" means the inability of a person to use one or more of the person's
- 847 extremities or difficulty with motor skills, that may include limitations with walking,
- 848 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.
- 849 (43)(a) "Moped" means a motor-driven cycle having:
- 850 (i) pedals to permit propulsion by human power; and
- 851 (ii) a motor that:
- 852 (A) produces not more than two brake horsepower; and
- 853 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
- 854 on level ground.
- 855 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 856 centimeters and the moped shall have a power drive system that functions directly or
- 857 automatically without clutching or shifting by the operator after the drive system is
- 858 engaged.
- 859 (c) "Moped" does not include:
- 860 (i) an electric assisted bicycle; or
- 861 (ii) a motor assisted scooter.
- 862 (44)(a) "Motor assisted scooter" means a self-propelled device with:
- 863 (i) at least two wheels in contact with the ground;
- 864 (ii) a braking system capable of stopping the unit under typical operating conditions;

- 865 (iii) an electric motor not exceeding 2,000 watts;
- 866 (iv) either:
- 867 (A) handlebars and a deck design for a person to stand while operating the device;
- 868 or
- 869 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 870 operating the device;
- 871 (v) a design for the ability to be propelled by human power alone; and
- 872 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 873 (b) "Motor assisted scooter" does not include:
- 874 (i) an electric assisted bicycle; or
- 875 (ii) a motor-driven cycle.
- 876 (45)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 877 propelled by electric power obtained from overhead trolley wires, but not operated
- 878 upon rails.
- 879 (b) "Motor vehicle" does not include:
- 880 (i) vehicles moved solely by human power;
- 881 (ii) motorized wheelchairs;
- 882 (iii) an electric personal assistive mobility device;
- 883 (iv) an electric assisted bicycle;
- 884 (v) a motor assisted scooter;
- 885 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 886 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 887 (46) "Motorcycle" means:
- 888 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 889 and designed to travel with not more than three wheels in contact with the ground; or
- 890 (b) an auticycle.
- 891 (47)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 892 having:
- 893 (i) an engine with less than 150 cubic centimeters displacement; or
- 894 (ii) a motor that produces not more than five horsepower.
- 895 (b) "Motor-driven cycle" does not include:
- 896 (i) an electric personal assistive mobility device;
- 897 (ii) a motor assisted scooter; or
- 898 (iii) an electric assisted bicycle.

- 899 (48) "Off-highway implement of husbandry" means the same as that term is defined under
900 Section 41-22-2.
- 901 (49) "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
- 902 [~~49~~] (50) "Off-highway vehicle" means the same as that term is defined under Section
903 41-22-2.
- 904 [~~50~~] (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 905 [~~51~~] (52) "Operator" means:
- 906 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
907 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
908 vehicle.
- 909 [~~52~~] (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
910 other device operated, alone or coupled with another device, on stationary rails.
- 911 [~~53~~] (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
912 occupied or not.
- 913 (b) "Park" or "parking" does not include:
- 914 (i) the standing of a vehicle temporarily for the purpose of and while actually
915 engaged in loading or unloading property or passengers; or
916 (ii) a motor vehicle with an engaged automated driving system that has achieved a
917 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 918 [~~54~~] (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
919 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
920 violations of traffic laws.
- 921 [~~55~~] (56) "Pedestrian" means a person traveling:
- 922 (a) on foot; or
923 (b) in a wheelchair.
- 924 [~~56~~] (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
925 pedestrians.
- 926 [~~57~~] (58) "Person" means a natural person, firm, copartnership, association, corporation,
927 business trust, estate, trust, partnership, limited liability company, association, joint
928 venture, governmental agency, public corporation, or any other legal or commercial
929 entity.
- 930 [~~58~~] (59) "Pole trailer" means a vehicle without motive power:
- 931 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
932 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;

933 and

934 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
935 pipes, or structural members generally capable of sustaining themselves as beams
936 between the supporting connections.

937 [~~(59)~~] (60) "Private road or driveway" means every way or place in private ownership and
938 used for vehicular travel by the owner and those having express or implied permission
939 from the owner, but not by other persons.

940 [~~(60)~~] (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
941 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
942 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
943 electric assisted bicycle fully conforms with the respective requirements of each class of
944 electric assisted bicycle when operated in that mode.

945 [~~(61)~~] (62) "Railroad" means a carrier of persons or property upon cars operated on
946 stationary rails.

947 [~~(62)~~] (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
948 public body or official or by a railroad and intended to give notice of the presence of
949 railroad tracks or the approach of a railroad train.

950 [~~(63)~~] (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
951 with or operated without cars, and operated upon rails.

952 [~~(64)~~] (65) "Restored-modified vehicle" means the same as the term defined in Section
953 41-1a-102.

954 [~~(65)~~] (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
955 lawful manner in preference to another vehicle or pedestrian approaching under
956 circumstances of direction, speed, and proximity that give rise to danger of collision
957 unless one grants precedence to the other.

958 [~~(66)~~] (67)(a) "Roadway" means that portion of highway improved, designed, or
959 ordinarily used for vehicular travel.

960 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
961 them are used by persons riding bicycles or other human-powered vehicles.

962 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
963 highway includes two or more separate roadways.

964 [~~(67)~~] (68) "Safety zone" means the area or space officially set apart within a roadway for
965 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
966 signs as to be plainly visible at all times while set apart as a safety zone.

967 [~~(68)~~] (69)(a) "School bus" means a motor vehicle that:

968 (i) complies with the color and identification requirements of the most recent edition
969 of "Minimum Standards for School Buses"; and

970 (ii) is used to transport school children to or from school or school activities.

971 (b) "School bus" does not include a vehicle operated by a common carrier in
972 transportation of school children to or from school or school activities.

973 [~~(69)~~] (70)(a) "Semitrailer" means a vehicle with or without motive power:

974 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
975 and

976 (ii) constructed so that some part of its weight and that of its load rests on or is
977 carried by another vehicle.

978 (b) "Semitrailer" does not include a pole trailer.

979 [~~(70)~~] (71) "Shoulder area" means:

980 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
981 edge line as established in the current approved "Manual on Uniform Traffic Control
982 Devices"; or

983 (b) that portion of the road contiguous to the roadway for accommodation of stopped
984 vehicles, for emergency use, and for lateral support.

985 [~~(71)~~] (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral
986 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

987 [~~(72)~~] (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
988 that is designated for the use of a bicycle.

989 (b) "Soft-surface trail" does not mean a trail:

990 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
991 federal law, regulation, or rule; or

992 (ii) located in whole or in part on land granted to the state or a political subdivision
993 subject to a conservation easement that prohibits the use of a motorized vehicle.

994 [~~(73)~~] (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not
995 depend on compressed air for the support of the load.

996 [~~(74)~~] (75) "Stand" or "standing" means the temporary halting of a vehicle, whether
997 occupied or not, for the purpose of and while actually engaged in receiving or
998 discharging passengers.

999 [~~(75)~~] (76) "Stop" when required means complete cessation from movement.

1000 [~~(76)~~] (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a

- 1001 vehicle, whether occupied or not, except when:
- 1002 (a) necessary to avoid conflict with other traffic; or
- 1003 (b) in compliance with the directions of a peace officer or traffic-control device.
- 1004 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
- 1005 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway
- 1006 motorcycle, that is modified to meet the requirements of Section 41-6a-1509 to operate
- 1007 on highways in the state in accordance with Section 41-6a-1509.
- 1008 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
- 1009 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
- 1010 operate on highways in the state in accordance with with Section 41-6a-1509.
- 1011 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 1012 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section
- 1013 72-9-102.
- 1014 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
- 1015 conveyances either singly or together while using any highway for the purpose of travel.
- 1016 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed,
- 1017 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 1018 ~~[(83)]~~ (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
- 1019 with this chapter placed or erected by a highway authority for the purpose of regulating,
- 1020 warning, or guiding traffic.
- 1021 ~~[(84)]~~ (85) "Traffic-control signal" means a device, whether manually, electrically, or
- 1022 mechanically operated, by which traffic is alternately directed to stop and permitted to
- 1023 proceed.
- 1024 ~~[(85)]~~ (86)(a) "Trailer" means a vehicle with or without motive power designed for
- 1025 carrying persons or property and for being drawn by a motor vehicle and constructed
- 1026 so that no part of its weight rests upon the towing vehicle.
- 1027 (b) "Trailer" does not include a pole trailer.
- 1028 ~~[(86)]~~ (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
- 1029 transportation of property.
- 1030 ~~[(87)]~~ (88) "Truck tractor" means a motor vehicle:
- 1031 (a) designed and used primarily for drawing other vehicles; and
- 1032 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
- 1033 tractor.
- 1034 ~~[(88)]~~ (89) "Two-way left turn lane" means a lane:

- 1035 (a) provided for vehicle operators making left turns in either direction;
- 1036 (b) that is not used for passing, overtaking, or through travel; and
- 1037 (c) that has been indicated by a lane traffic-control device that may include lane
- 1038 markings.
- 1039 ~~[(89)]~~ (90) "Urban district" means the territory contiguous to and including any street, in
- 1040 which structures devoted to business, industry, or dwelling houses are situated at
- 1041 intervals of less than 100 feet, for a distance of a quarter of a mile or more.
- 1042 ~~[(90)]~~ (91) "Vehicle" means a device in, on, or by which a person or property is or may be
- 1043 transported or drawn on a highway, except a mobile carrier, as defined in Section
- 1044 41-6a-1120, or a device used exclusively on stationary rails or tracks.
- 1045 Section 8. Section **41-6a-1509** is amended to read:
- 1046 **41-6a-1509 (Effective 05/07/25). Street-legal all-terrain vehicle -- Operation on**
- 1047 **highways -- Registration and licensing requirements -- Equipment requirements.**
- 1048 (1)(a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain
- 1049 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an
- 1050 off-highway motorcycle, that meets the requirements of this section as a street-legal
- 1051 ATV on a street or highway.
- 1052 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle,
- 1053 or all-terrain type III vehicle, or an off-highway motorcycle, as a street-legal ATV on
- 1054 a highway if:
- 1055 (i) the highway is an interstate system as defined in Section 72-1-102; or
- 1056 (ii) the highway is in a county of the first class and both of the following criterion is
- 1057 met:
- 1058 (A) the highway is near a grade separated portion of the highway; and
- 1059 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 1060 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
- 1061 is not open to motor vehicle use.
- 1062 (2)(a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that
- 1063 is registered as a novel vehicle on a street or highway, if the vehicle meets the
- 1064 requirements of this section as a street-legal novel vehicle.
- 1065 (b) An individual may not operate a vehicle registered as a novel vehicle as a street-legal
- 1066 novel vehicle on a highway if:
- 1067 (i) the highway is an interstate system as defined in Section 72-1-102; or
- 1068 (ii) the highway is in a county of the first class and both of the following criterion are

- 1069 met:
- 1070 (A) the highway is near a grade separated portion of the highway; and
- 1071 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 1072 (c) Nothing in this section authorizes the operation of a street-legal novel vehicle in an
- 1073 area that is not open to motor vehicle use.
- 1074 (3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1),
- 1075 Subsection 53-8-205(1)(b), and the same requirements as:
- 1076 (a) a motorcycle for:
- 1077 (i) traffic rules under this chapter;
- 1078 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
- 1079 excluding registration fees, under Chapter 1a, Motor Vehicle Act; and
- 1080 (iii) the county motor vehicle emissions inspection and maintenance programs under
- 1081 Section 41-6a-1642;
- 1082 (b) a motor vehicle for:
- 1083 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
- 1084 (ii) motor vehicle insurance under Chapter 12a, Financial Responsibility of Motor
- 1085 Vehicle Owners and Operators Act; and
- 1086 (c) an all-terrain type I or type II vehicle, or an off-highway motorcycle, for off-highway
- 1087 vehicle provisions under Chapter 22, Off-highway Vehicles, and Chapter 3, Motor
- 1088 Vehicle Business Regulation Act, unless otherwise specified in this section.
- 1089 (4) A street-legal novel vehicle shall comply with Subsection 41-1a-205(1), Subsection
- 1090 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section
- 1091 41-27-201.
- 1092 (5)(a) The owner of an all-terrain type I vehicle or an off-highway motorcycle being
- 1093 operated as a street-legal ATV shall ensure that the vehicle is equipped with:
- 1094 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 1095 (ii) one or more tail lamps;
- 1096 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration
- 1097 plate with a white light;
- 1098 (iv) one or more red reflectors on the rear;
- 1099 (v) one or more stop lamps on the rear;
- 1100 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1101 (vii) a braking system, other than a parking brake, that meets the requirements of
- 1102 Section 41-6a-1623;

- 1103 (viii) a horn or other warning device that meets the requirements of Section
1104 41-6a-1625;
- 1105 (ix) a muffler and emission control system that meets the requirements of Section
1106 41-6a-1626;
- 1107 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1108 41-6a-1627;
- 1109 (xi) a windshield, unless the operator wears eye protection while operating the
1110 vehicle;
- 1111 (xii) a speedometer, illuminated for nighttime operation;
- 1112 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers,
1113 a seat designed for passengers; and
- 1114 (xiv) tires that:
- 1115 (A) are not larger than the tires that the all-terrain vehicle manufacturer made
1116 available for the all-terrain vehicle model; and
- 1117 (B) have at least 2/32 inches or greater tire tread.
- 1118 (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being
1119 operated as a street-legal all-terrain vehicle or of a vehicle registered as a novel
1120 vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is
1121 equipped with:
- 1122 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 1123 (ii) two tail lamps;
- 1124 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration
1125 plate with a white light;
- 1126 (iv) one or more red reflectors on the rear;
- 1127 (v) two stop lamps on the rear;
- 1128 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1129 (vii) a braking system, other than a parking brake, that meets the requirements of
1130 Section 41-6a-1623;
- 1131 (viii) a horn or other warning device that meets the requirements of Section
1132 41-6a-1625;
- 1133 (ix) a muffler and emission control system that meets the requirements of Section
1134 41-6a-1626;
- 1135 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1136 41-6a-1627;

- 1137 (xi) a windshield, unless the operator wears eye protection while operating the
1138 vehicle;
- 1139 (xii) a speedometer, illuminated for nighttime operation;
- 1140 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers,
1141 a seat designed for passengers;
- 1142 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
1143 occupant;
- 1144 (xv) a seat with a height between 20 and 40 inches when measured at the forward
1145 edge of the seat bottom; and
- 1146 (xvi) tires that:
- 1147 (A) do not exceed 44 inches in height; and
- 1148 (B) have at least 2/32 inches or greater tire tread.
- 1149 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with
1150 wheel covers, mudguards, flaps, or splash aprons.
- 1151 (6)(a) Subject to the requirements of Subsection (6)(b), an operator of a street-legal
1152 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may
1153 not exceed the lesser of:
- 1154 (i) the posted speed limit; or
- 1155 (ii) 50 miles per hour.
- 1156 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
1157 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per
1158 hour, shall:
- 1159 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
1160 roadway; and
- 1161 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
1162 front and back of both sides of the vehicle.
- 1163 (7)(a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal
1164 novel vehicle, when operating as a street-legal novel vehicle on a highway, may not
1165 exceed the lesser of:
- 1166 (i) the posted speed limit; or
- 1167 (ii) 50 miles per hour.
- 1168 (b) An operator of a street-legal novel vehicle, when operating a street-legal novel
1169 vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 1170 (i) operate the street-legal novel vehicle on the extreme right hand side of the

- 1171 roadway; and
- 1172 (ii) equip the street-legal novel vehicle with a reflector or reflective tape to the front
- 1173 and back of both sides of the vehicle.
- 1174 (8)(a) A nonresident operator of an off-highway vehicle that is authorized to be operated
- 1175 on the highways of another state has the same rights and privileges as a street-legal
- 1176 ATV or street-legal novel vehicle that is granted operating privileges on the
- 1177 highways of this state, subject to the restrictions under this section and rules made by
- 1178 the Division of Outdoor Recreation, after notifying the Outdoor Adventure
- 1179 Commission, if the other state offers reciprocal operating privileges to Utah residents.
- 1180 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1181 Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission,
- 1182 shall establish eligibility requirements for reciprocal operating privileges for
- 1183 nonresident users granted under Subsection (8)(a).
- 1184 (9) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the
- 1185 off-highway vehicle in accordance with Section 41-22-10.5.
- 1186 (10) A violation of this section is an infraction.
- 1187 Section 9. Section **41-12a-804** is amended to read:
- 1188 **41-12a-804 (Effective 05/07/25). Notice -- Proof -- Revocation of registration --**
- 1189 **False statements -- Penalties -- Exemptions -- Sales tax enforcement.**
- 1190 (1) [Hf] Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a
- 1191 motor vehicle [~~or motorboat~~] is not insured for three consecutive months, or a motorboat
- 1192 is not insured for two consecutive months, the Motor Vehicle Division shall direct that
- 1193 the designated agent provide notice to the owner of the motor vehicle or motorboat that
- 1194 the owner has 15 days to provide:
- 1195 (a) proof of owner's or operator's security in a form allowed under Subsection
- 1196 41-12a-303.2(2); or
- 1197 (b) proof of exemption from the owner's or operator's security requirements.
- 1198 (2) [Hf] Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to
- 1199 provide satisfactory proof of owner's or operator's security to the designated agent, the
- 1200 designated agent shall:
- 1201 (a) provide a second notice to the owner of the motor vehicle or motorboat that the
- 1202 owner now has 15 days to provide:
- 1203 (i) proof of owner's or operator's security in a form allowed under Subsection
- 1204 41-12a-303.2(2); or

- 1205 (ii) proof of exemption from the owner's or operator's security requirements;
- 1206 (b) for each notice provided, indicate information relating to the owner's failure to
- 1207 provide proof of owner's or operator's security in the database; and
- 1208 (c) provide this information to state and local law enforcement agencies as requested in
- 1209 accordance with the provisions under Section 41-12a-805.
- 1210 (3)(a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2)
- 1211 only apply during the months of April through October.
- 1212 (b) For a motorboat, the designated agent shall comply with the requirement described in
- 1213 Subsection (2)(c) year-round.
- 1214 (c) For a notice required under Subsection (1) for a motorboat, the requirement for the
- 1215 Motor Vehicle Division and the designated agent to send notice begins on January 1,
- 1216 2026.
- 1217 ~~(3)~~ (4)(a) The Motor Vehicle Division:
- 1218 ~~(a)~~ (i) shall revoke the registration upon receiving notification under Subsection
- 1219 41-1a-110(2);
- 1220 ~~(b)~~ (ii) shall provide appropriate notices of the revocation, the legal consequences of
- 1221 operating a vehicle with revoked registration and without owner's or operator's
- 1222 security, and instructions on how to get the registration reinstated; and
- 1223 ~~(c)~~ (iii) may direct the designated agent to provide the notices under this Subsection [
- 1224 ~~(3)~~ (4)(a).
- 1225 (b) For a motorboat, Subsection (4)(a) only applies during the months of April through
- 1226 October.
- 1227 ~~(4)~~ (5) Any action by the Motor Vehicle Division to revoke the registration of a motor
- 1228 vehicle or motorboat under this section may be in addition to an action by a law
- 1229 enforcement agency to impose the penalties under Section 41-12a-302 or 41-12a-303.2.
- 1230 ~~(5)~~ (6)(a) A person may not provide a false or fraudulent statement to the Motor
- 1231 Vehicle Division or designated agent.
- 1232 (b) In addition to any other penalties, a person who violates Subsection ~~(5)(a)~~ (6)(a) is
- 1233 guilty of a class B misdemeanor.
- 1234 ~~(6)~~ (7) The department and the Motor Vehicle Division shall direct the designated agent to
- 1235 exempt from this section a farm truck that:
- 1236 (a) meets the definition of a farm truck under Section 41-1a-102; and
- 1237 (b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
- 1238 ~~(7)~~ (8) This part does not affect other actions or penalties that may be taken or imposed for

1239 violation of the owner's and operator's security requirements of this chapter.

1240 ~~[(8)]~~ (9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat
1241 may not be in compliance with motor vehicle or motorboat registration or sales and use
1242 tax laws, the Motor Vehicle Division may direct that the designated agent provide notice
1243 to the owner of a motor vehicle or motorboat that information exists which indicates the
1244 possible violation.

1245 Section 10. Section **41-22-2** is amended to read:

1246 **41-22-2 (Effective 05/07/25). Definitions.**

1247 As used in this chapter:

1248 (1) "Advisory council" means an advisory council appointed by the Division of Outdoor
1249 Recreation that has within the advisory council's duties advising on policies related to
1250 the use of off-highway vehicles.

1251 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having
1252 an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
1253 tires, having a seat designed to be straddled by the operator, and designed for or capable
1254 of travel over unimproved terrain.

1255 (3)(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
1256 traveling on four or more low pressure tires, having a steering wheel, non-straddle
1257 seating, a rollover protection system, and designed for or capable of travel over
1258 unimproved terrain, and is:

1259 (i) an electric-powered vehicle; or

1260 (ii) a vehicle powered by an internal combustion engine and has an unladen dry
1261 weight of 3,500 pounds or less.

1262 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry
1263 a person with a disability, any vehicle not specifically designed or modified primarily
1264 for recreational use on unimproved terrain, or farm tractors as defined under Section
1265 41-1a-102.

1266 (4)(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
1267 Subsection (2), (3), (12), or ~~[(22)]~~ (23), designed for or capable of travel over
1268 unimproved terrain.

1269 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
1270 carry a person with a disability, any vehicle not specifically designed or modified
1271 primarily for recreational use on unimproved terrain, or farm tractors as defined
1272 under Section 41-1a-102.

- 1273 (5) "Commission" means the Outdoor Adventure Commission.
- 1274 (6) "Cross-country" means across natural terrain and off an existing highway, road, route,
1275 or trail.
- 1276 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
1277 wholesale or retail.
- 1278 (8) "Division" means the Division of Outdoor Recreation.
- 1279 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
1280 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
1281 of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 1282 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway
1283 vehicles.
- 1284 (11)(a) "Motor vehicle" means every vehicle which is self-propelled.
- 1285 (b) "Motor vehicle" includes an off-highway vehicle.
- 1286 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
1287 and designed to travel on not more than two tires.
- 1288 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1289 all-terrain type II vehicle, all-terrain type III vehicle, off-highway motorcycle, or
1290 snowmobile that is used by the owner or the owner's agent for agricultural operations.
- 1291 (14) "Off-highway motorcycle" means an off-highway vehicle that is a motorcycle and is
1292 designed for use primarily off-highway.
- 1293 [~~14~~] (15) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1294 all-terrain type II vehicle, all-terrain type III vehicle, or off-highway motorcycle.
- 1295 [~~15~~] (16) "Operate" means to control the movement of or otherwise use an off-highway
1296 vehicle.
- 1297 [~~16~~] (17) "Operator" means the person who is in actual physical control of an off-highway
1298 vehicle.
- 1299 [~~17~~] (18) "Organized user group" means an off-highway vehicle organization incorporated
1300 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
1301 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway
1302 vehicle recreation.
- 1303 [~~18~~] (19) "Owner" means a person, other than a person with a security interest, having a
1304 property interest or title to an off-highway vehicle and entitled to the use and possession
1305 of that vehicle.
- 1306 [~~19~~] (20) "Public land" means land owned or administered by any federal or state agency

- 1307 or any political subdivision of the state.
- 1308 [~~(20)~~] (21) "Register" means the act of assigning a registration number to an off-highway
1309 vehicle.
- 1310 [~~(21)~~] (22) "Roadway" is used as defined in Section 41-6a-102.
- 1311 [~~(22)~~] (23) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1312 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
1313 tires, and equipped with a saddle or seat for the use of the rider.
- 1314 [~~(23)~~] (24) "Street or highway" means the entire width between boundary lines of every way
1315 or place of whatever nature, when any part of it is open to the use of the public for
1316 vehicular travel.
- 1317 [~~(24)~~] (25) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1318 defined in Section 41-6a-102.
- 1319 Section 11. Section **41-22-3** is amended to read:
- 1320 **41-22-3 (Effective 05/07/25). Registration of vehicles -- Application -- Issuance of**
1321 **sticker and card -- Proof of property tax payment -- Records.**
- 1322 (1)(a) Unless exempted under Section 41-22-9, a person may not operate or place and an
1323 owner may not give another person permission to operate or place any off-highway
1324 vehicle on any public land, trail, street, or highway in this state unless the
1325 off-highway vehicle is registered under this chapter for the current year.
- 1326 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
1327 vehicle which can be used on any public land, trail, street, or highway in this state,
1328 unless the off-highway vehicle is registered or is in the process of being registered
1329 under this chapter for the current year.
- 1330 (c) Unless specifically provided in this chapter, the division shall administer license
1331 plates, decals, and registration of off-highway vehicles in accordance with Chapter
1332 1a, Motor Vehicle Act.
- 1333 (2)(a) The owner of an off-highway vehicle subject to registration under this chapter
1334 shall apply to the Motor Vehicle Division for registration on forms approved by the
1335 Motor Vehicle Division.
- 1336 (b) An owner of an off-highway vehicle may apply for automatic registration renewal as
1337 described in Section 41-1a-216.
- 1338 (3) Each application for registration of an off-highway vehicle shall be accompanied by:
- 1339 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
1340 sale showing ownership, make, model, horsepower or displacement, and serial

- 1341 number;
- 1342 (b) the past registration card; or
- 1343 (c) the fee for a duplicate.
- 1344 (4)(a)(i) Beginning on January 1, 2023, except as provided in Subsection (4)(e), the
- 1345 first time an off-highway vehicle is registered, the Motor Vehicle Division shall
- 1346 issue one off-highway vehicle license plate, a registration decal, and a registration
- 1347 card.
- 1348 (ii) If an off-highway vehicle has been registered previously in this state but has not
- 1349 been issued an off-highway vehicle license plate, beginning on January 1, 2023,
- 1350 upon application for registration renewal, the Motor Vehicle Division shall issue
- 1351 one off-highway vehicle license plate, a registration decal, and a registration card.
- 1352 (b) Upon each annual registration, the Motor Vehicle Division shall issue a registration
- 1353 decal and a registration card for each off-highway vehicle registered.
- 1354 (c) The off-highway vehicle license plate:
- 1355 (i) shall contain a unique five-digit number, using numbers, letters, or a combination
- 1356 of numbers and letters, to identify the off-highway vehicle for which it is issued;
- 1357 (ii) shall be affixed to the rear of the off-highway vehicle for which it is issued in a
- 1358 plainly visible and upright position as prescribed by rule of the division under
- 1359 Section 41-22-5.1;
- 1360 (iii) shall be maintained free of foreign materials and in a condition to be clearly
- 1361 legible;
- 1362 (iv) shall be a distinct tan color with black lettering to identify the license plate as an
- 1363 off-highway vehicle license plate;
- 1364 (v) shall have a location to attach the registration decal; and
- 1365 (vi) may not be a personalized license plate or a special group license plate.
- 1366 (d)(i) At all times, proof of registration shall be kept with the off-highway vehicle
- 1367 and shall be available for inspection by a law enforcement officer.
- 1368 (ii) An individual may show proof of registration by displaying:
- 1369 (A) a digital copy or photograph of the registration card on a mobile electronic
- 1370 device;
- 1371 (B) proof of registration on a mobile electronic device through a mobile
- 1372 application approved by the relevant state agency; or
- 1373 (C) an original registration card issued by the Motor Vehicle Division.
- 1374 (e) An off-highway vehicle that is [a] an off-highway motorcycle or a snowmobile is:

- 1375 (i) not required to obtain or display an off-highway vehicle license plate; and
1376 (ii) required to obtain and display an off-highway vehicle registration sticker.
- 1377 (5)(a) Except as provided by Subsection (5)(c), an applicant for a registration card and
1378 registration decal shall provide the Motor Vehicle Division a certificate, described
1379 under Subsection (5)(b), from the county assessor of the county in which the
1380 off-highway vehicle has situs for taxation.
- 1381 (b) The certificate required under Subsection (5)(a) shall state one of the following:
- 1382 (i) the property tax on the off-highway vehicle for the current year has been paid;
1383 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
1384 secure the payment of the tax; or
1385 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
1386 current year.
- 1387 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
1388 has been issued in accordance with Section 41-22-5.5 is:
- 1389 (i) exempt from the requirement under this Subsection (5);
1390 (ii) not required to obtain or purchase an off-highway vehicle license plate; and
1391 (iii) required to obtain and display an off-highway vehicle registration sticker.
- 1392 (6)(a) All records of the division made or kept under this section shall be classified by
1393 the Motor Vehicle Division in the same manner as motor vehicle records are
1394 classified under Section 41-1a-116.
- 1395 (b) Division records are available for inspection in the same manner as motor vehicle
1396 records under Section 41-1a-116.
- 1397 (7) A violation of this section is an infraction.
- 1398 Section 12. Section **41-22-5.5** is amended to read:
- 1399 **41-22-5.5 (Effective 05/07/25). Off-highway husbandry vehicles.**
- 1400 (1)(a)(i) The owner of an all-terrain type I vehicle, off-highway motorcycle,
1401 all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for
1402 agricultural purposes may apply to the Motor Vehicle Division for an off-highway
1403 implement of husbandry sticker.
- 1404 (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:
- 1405 (A) evidence of ownership;
1406 (B) a title or a manufacturer's certificate of origin; and
1407 (C) a signed statement certifying that the off-highway vehicle is used for
1408 agricultural purposes.

- 1409 (iii) The owner shall receive an off-highway implement of husbandry sticker upon
 1410 production of:
- 1411 (A) the documents required under this Subsection (1); and
- 1412 (B) payment of an off-highway implement of husbandry sticker fee established by
 1413 the division, after notifying the commission, not to exceed \$10.
- 1414 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
 1415 highways, it shall also be registered under Section 41-22-3.
- 1416 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
 1417 prescribed by the division and shall identify the all-terrain type I vehicle, off-highway
 1418 motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as
 1419 an off-highway implement of husbandry.
- 1420 (2) The off-highway implement of husbandry sticker is valid only for the life of the
 1421 ownership of the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II
 1422 vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.
- 1423 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
 1424 vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle,
 1425 or snowmobile that is being operated adjacent to a roadway:
- 1426 (a) when the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II
 1427 vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from
 1428 one parcel of land owned, operated, permitted, or leased for agricultural purposes by
 1429 the owner of the vehicle to another parcel of land owned, operated, permitted, or
 1430 leased for agricultural purposes by the owner; and
- 1431 (b) when this operation is necessary for the furtherance of agricultural purposes.
- 1432 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
 1433 impractical, it may be operated on the roadway if the operator exercises due care
 1434 towards conventional motor vehicle traffic.
- 1435 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
 1436 within the boundaries of an interstate freeway.

1437 (6) A violation of this section is an infraction.

1438 Section 13. Section **41-22-10.7** is amended to read:

1439 **41-22-10.7 (Effective 05/07/25). Vehicle equipment requirements -- Rulemaking**
 1440 **-- Exceptions.**

- 1441 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:
 1442 (a) brakes adequate to control the movement of and to stop and hold the vehicle under

- 1443 normal operating conditions;
- 1444 (b) headlights and taillights when operated between sunset and sunrise;
- 1445 (c) a noise control device and except for a snowmobile, a spark arrestor device; and
- 1446 (d) when operated on sand dunes designated by the division, a safety flag that is:
- 1447 (i) red or orange in color;
- 1448 (ii) a minimum of six by 12 inches; and
- 1449 (iii) attached to:
- 1450 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
- 1451 surface of level ground; or
- 1452 (B) the protective headgear of a person operating [a] an off-highway motorcycle so
- 1453 that the safety flag is at least 18 inches above the top of the person's head.
- 1454 (2) A violation of Subsection (1) is an infraction.
- 1455 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1456 division may make rules, after notifying the commission, which set standards for the
- 1457 equipment and which designate sand dunes where safety flags are required under
- 1458 Subsection (1).
- 1459 (4) An off-highway implement of husbandry used only in agricultural operations and not
- 1460 operated on a highway, is exempt from the provisions of this section.
- 1461 Section 14. Section **41-22-10.8** is amended to read:
- 1462 **41-22-10.8 (Effective 05/07/25). Protective headgear requirements -- Owner duty**
- 1463 **-- Penalty for violation.**
- 1464 (1) A person under the age of 18 may not operate or ride on [~~all-terrain type I vehicles;~~
- 1465 ~~snowmobiles, or motoreycles~~] an all-terrain type I vehicle, a snowmobile, or an
- 1466 off-highway motorcycle on public land unless the person is wearing a properly fitted and
- 1467 fastened, United States Department of Transportation safety-rated protective headgear
- 1468 designed for motorized vehicle use.
- 1469 (2) The owner of an off-highway vehicle or any other person may not give permission to a
- 1470 person who is under 18 years [~~of age~~] old to operate or ride on an off-highway vehicle in
- 1471 violation of this section.
- 1472 (3) An operator and passengers of off-highway implements of husbandry operated in the
- 1473 manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the
- 1474 requirements of this section.
- 1475 (4) Any person convicted of violations of this section is guilty of an infraction and shall be
- 1476 fined not more than \$50 per offense.

- 1477 (5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22,
 1478 Off-highway Vehicles, to a person operating an off-highway vehicle on public land if
 1479 the person was:
- 1480 (a) 18 years [~~of age~~] old or older at the time of operation; and
 1481 (b) wearing protective headgear that complies with the requirements described under
 1482 Subsection (1) at the time of operation.
- 1483 (6) The failure to wear protective headgear:
 1484 (a) does not constitute contributory or comparative negligence on the part of a person
 1485 seeking recovery for injuries; and
 1486 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,
 1487 injuries, or the mitigation of damages.
- 1488 (7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person
 1489 operating an off-highway vehicle on public land for a driving under the influence
 1490 violation of Section 41-6a-502.
- 1491 Section 15. Section **51-9-902** is amended to read:
- 1492 **51-9-902 (Effective 07/01/26). Outdoor Adventure Infrastructure Restricted**
 1493 **Account.**
- 1494 (1) There is created within the General Fund a restricted account known as the "Outdoor
 1495 Adventure Infrastructure Restricted Account."
- 1496 (2) The account shall consist of:
 1497 (a) money deposited into the account under Subsection [~~59-12-103(15)~~] 59-12-103(4)(h);
 1498 and
 1499 (b) interest and earnings on money in the account.
- 1500 (3) Subject to appropriation from the Legislature, money from the account shall be used for:
 1501 (a) new construction of outdoor recreation infrastructure;
 1502 (b) upgrades of outdoor recreation infrastructure;
 1503 (c) the replacement of or structural improvements to outdoor recreation infrastructure;
 1504 (d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor
 1505 recreation infrastructure;
 1506 (e) providing access from state highways, as defined in Section 72-1-102, to outdoor
 1507 recreation infrastructure;
 1508 (f) the costs associated with bringing new construction or upgrades of outdoor
 1509 recreation infrastructure into environmental compliance;
 1510 (g) strategic planning related to the development of outdoor recreation infrastructure; or

1511 (h) facilitating avalanche safety forecasting to protect the public in relation to outdoor
1512 recreation infrastructure.

1513 (4) For each fiscal year, beginning with fiscal year 2023-2024, the Division of Finance
1514 shall, subject to appropriation by the Legislature, distribute money from the Outdoor
1515 Adventure Infrastructure Restricted Account as follows:

1516 (a) at least 15% to the Department of Natural Resources - Division of State Parks -
1517 Capital, to be expended using the department's existing prioritization process for
1518 capital projects in state parks described in Subsection (3);

1519 (b) at least 22% to the Department of Natural Resources - Division of Outdoor
1520 Recreation - Capital, to be expended for competitive Recreation Restoration
1521 Infrastructure grants or Outdoor Recreational Infrastructure grants for outdoor
1522 recreation capital projects and related maintenance expenses, where maintenance
1523 expenses do not exceed 15% of the appropriation; and

1524 (c) at least 53% to the Department of Natural Resources - Division of Outdoor
1525 Recreation - Capital, to be expended for larger outdoor recreation infrastructure
1526 projects described in Subsection (3) as recommended to the Legislature by the
1527 Outdoor Adventure Commission.

1528 (5) If the Legislature appropriates money to the Department of Transportation from the
1529 account, the Transportation Commission, created in Section 72-1-301, shall prioritize
1530 projects and determine funding levels in accordance with Subsection 72-1-303(1)(a)
1531 based on recommendations of the Department of Transportation.

1532 Section 16. Section **53-2a-1102** is amended to read:

1533 **53-2a-1102 (Effective 07/01/26). Search and Rescue Financial Assistance**

1534 **Program -- Uses -- Rulemaking -- Distribution.**

1535 (1) As used in this section:

1536 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
1537 Program created within this section.

1538 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
1539 participant.

1540 (c) "Participant" means an individual, family, or group who is registered pursuant to this
1541 section as having a valid card at the time search, rescue, or both are provided.

1542 (d) "Program" means the Search and Rescue Financial Assistance Program created
1543 within this section.

1544 (e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to

- 1545 search and rescue activities.
- 1546 (ii) "Reimbursable base expenses" include:
- 1547 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
- 1548 (B) replacement and upgrade of search and rescue equipment;
- 1549 (C) training of search and rescue volunteers;
- 1550 (D) costs of providing life insurance and workers' compensation benefits for
- 1551 volunteer search and rescue team members under Section 67-20-7.5; and
- 1552 (E) any other equipment or expenses necessary or appropriate for conducting
- 1553 search and rescue activities.
- 1554 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
- 1555 individual on a regular or permanent payroll, including permanent part-time
- 1556 employees of any agency of the state.
- 1557 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1558 (2) There is created the Search and Rescue Financial Assistance Program within the
- 1559 division.
- 1560 (3)(a) The financial program and the assistance card program shall be funded from the
- 1561 following revenue sources:
- 1562 (i) any voluntary contributions to the state received for search and rescue operations;
- 1563 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,
- 1564 41-22-34, and 73-18-24;
- 1565 (iii) money deposited
- 1566 under [~~Subsection 59-12-103(13)~~] Section 59-12-103 as a dedicated credit for the
- 1567 sole use of the Search and Rescue Financial Assistance Program;
- 1568 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
- 1569 (v) appropriations made to the program by the Legislature.
- 1571 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
- 1572 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
- 1573 General Fund as a dedicated credit to be used solely for the program.
- 1574 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
- 1575 the General Fund as a dedicated credit to be used solely to promote the assistance
- 1576 card program.
- 1577 (d) Funding for the program is nonlapsing.
- 1578 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
- 1579 section to reimburse counties for all or a portion of each county's reimbursable base

- 1580 expenses for search and rescue operations, subject to:
- 1581 (a) the approval of the Search and Rescue Advisory Board as provided in Section
- 1582 53-2a-1104;
- 1583 (b) money available in the program; and
- 1584 (c) rules made under Subsection (7).
- 1585 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel
- 1586 costs or paid man hours spent in emergency response and search and rescue related
- 1587 activities.
- 1588 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1589 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
- 1590 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1591 and consistent with this section:
- 1592 (a) specifying the costs that qualify as reimbursable base expenses;
- 1593 (b) defining the procedures of counties to submit expenses and be reimbursed;
- 1594 (c) defining a participant in the assistance card program, including:
- 1595 (i) individuals; and
- 1596 (ii) families and organized groups who qualify as participants;
- 1597 (d) defining the procedure for issuing a card to a participant;
- 1598 (e) defining excluded expenses that may not be reimbursed under the program, including
- 1599 medical expenses;
- 1600 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
- 1601 Program;
- 1602 (g) establishing the frequency of review of the fee schedule;
- 1603 (h) providing for the administration of the program; and
- 1604 (i) providing a formula to govern the distribution of available money among the counties
- 1605 for uncompensated search and rescue expenses based on:
- 1606 (i) the total qualifying expenses submitted;
- 1607 (ii) the number of search and rescue incidents per county population;
- 1608 (iii) the number of victims that reside outside the county; and
- 1609 (iv) the number of volunteer hours spent in each county in emergency response and
- 1610 search and rescue related activities per county population.
- 1611 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
- 1612 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
- 1613 under Subsection 63J-1-504(7).

- 1614 (b) The division shall provide a discount of not less than 10% of the card fee under
1615 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1616 or 73-18-24 during the same calendar year in which the person applies to be a
1617 participant in the assistance card program.
- 1618 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for
1619 the rescue of an individual, if the individual is a current participant in the Utah Search
1620 and Rescue Assistance Card Program at the time of rescue, unless:
- 1621 (a) the rescuing county finds that the participant acted recklessly in creating a situation
1622 resulting in the need for the county to provide rescue services; or
- 1623 (b) the rescuing county finds that the participant intentionally created a situation
1624 resulting in the need for the county to provide rescue services.
- 1625 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The
1626 program is located within the division.
- 1627 (b) The program may not be used to cover any expenses, such as medically related
1628 expenses, that are not reimbursable base expenses related to the rescue.
- 1629 (11)(a) To participate in the program, a person shall purchase a search and rescue
1630 assistance card from the division by paying the fee as determined by the division in
1631 Subsection (8).
- 1632 (b) The money generated by the fees shall be deposited into the General Fund as a
1633 dedicated credit for the Search and Rescue Financial Assistance Program created in
1634 this section.
- 1635 (c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34,
1636 and 73-18-24 do not constitute purchase of a card under this section.
- 1637 (12) The division shall consult with the Division of Outdoor Recreation regarding:
- 1638 (a) administration of the assistance card program; and
- 1639 (b) outreach and marketing strategies.
- 1640 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card
1641 Program under this section is exempt from being considered insurance as that term is
1642 defined in Section 31A-1-301.
- 1643 Section 17. Section **59-12-102** is amended to read:
- 1644 **59-12-102 (Effective 07/01/26). Definitions.**
- 1645 As used in this chapter:
- 1646 (1) "800 service" means a telecommunications service that:
- 1647 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

- 1648 (b) is typically marketed:
- 1649 (i) under the name 800 toll-free calling;
- 1650 (ii) under the name 855 toll-free calling;
- 1651 (iii) under the name 866 toll-free calling;
- 1652 (iv) under the name 877 toll-free calling;
- 1653 (v) under the name 888 toll-free calling; or
- 1654 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the
- 1655 Federal Communications Commission.
- 1656 (2)(a) "900 service" means an inbound toll telecommunications service that:
- 1657 (i) a subscriber purchases;
- 1658 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
- 1659 the subscriber's:
- 1660 (A) prerecorded announcement; or
- 1661 (B) live service; and
- 1662 (iii) is typically marketed:
- 1663 (A) under the name 900 service; or
- 1664 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
- 1665 Communications Commission.
- 1666 (b) "900 service" does not include a charge for:
- 1667 (i) a collection service a seller of a telecommunications service provides to a
- 1668 subscriber; or
- 1669 (ii) the following a subscriber sells to the subscriber's customer:
- 1670 (A) a product; or
- 1671 (B) a service.
- 1672 (3)(a) "Admission or user fees" includes season passes.
- 1673 (b) "Admission or user fees" does not include:
- 1674 (i) annual membership dues to private organizations; or
- 1675 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a
- 1676 facility listed in Subsection 59-12-103(1)(f).
- 1677 (4) "Affiliate" or "affiliated person" means a person that, with respect to another person:
- 1678 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other
- 1679 person; or
- 1680 (b) is related to the other person because a third person, or a group of third persons who
- 1681 are affiliated persons with respect to each other, holds an ownership interest of more

- 1682 than 5%, whether direct or indirect, in the related persons.
- 1683 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
 1684 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax
 1685 Agreement after November 12, 2002.
- 1686 (6) "Agreement combined tax rate" means the sum of the tax rates:
 1687 (a) listed under Subsection (7); and
 1688 (b) that are imposed within a local taxing jurisdiction.
- 1689 (7) "Agreement sales and use tax" means a tax imposed under:
 1690 (a) Subsection 59-12-103(2)(a)(i)(A);
 1691 (b) Subsection 59-12-103(2)(a)(i)(B);
 1692 [~~b~~] (c) Subsection 59-12-103(2)(b)(i);
 1693 [~~e~~] (d) Subsection 59-12-103(2)(c)(i);
 1694 [~~d~~] (e) Subsection 59-12-103(2)(d);
 1695 [~~e~~] (f) Subsection 59-12-103(2)(e)(i)(A)[~~f~~];
 1696 [~~f~~] (g) Section 59-12-204;
 1697 [~~g~~] (h) Section 59-12-401;
 1698 [~~h~~] (i) Section 59-12-402;
 1699 [~~i~~] (j) Section 59-12-402.1;
 1700 [~~j~~] (k) Section 59-12-703;
 1701 [~~k~~] (l) Section 59-12-802;
 1702 [~~l~~] (m) Section 59-12-804;
 1703 [~~m~~] (n) Section 59-12-1102;
 1704 [~~n~~] (o) Section 59-12-1302;
 1705 [~~o~~] (p) Section 59-12-1402;
 1706 [~~p~~] (q) Section 59-12-1802;
 1707 [~~q~~] (r) Section 59-12-2003;
 1708 [~~r~~] (s) Section 59-12-2103;
 1709 [~~s~~] (t) Section 59-12-2213;
 1710 [~~t~~] (u) Section 59-12-2214;
 1711 [~~u~~] (v) Section 59-12-2215;
 1712 [~~v~~] (w) Section 59-12-2216;
 1713 [~~w~~] (x) Section 59-12-2217;
 1714 [~~x~~] (y) Section 59-12-2218;
 1715 [~~y~~] (z) Section 59-12-2219; or

- 1716 [~~z~~] (aa) Section 59-12-2220.
- 1717 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 1718 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 1719 (a) except for:
- 1720 (i) an airline as defined in Section 59-2-102; or
- 1721 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
- 1722 includes a corporation that is qualified to do business but is not otherwise doing
- 1723 business in the state, of an airline; and
- 1724 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 1725 whether the business entity performs the following in this state:
- 1726 (i) check, diagnose, overhaul, and repair:
- 1727 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 1728 (B) the parts that comprise an onboard system of a fixed wing turbine powered
- 1729 aircraft;
- 1730 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered
- 1731 aircraft engine;
- 1732 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 1733 aircraft:
- 1734 (A) an inspection;
- 1735 (B) a repair, including a structural repair or modification;
- 1736 (C) changing landing gear; and
- 1737 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 1738 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft
- 1739 and completely apply new paint to the fixed wing turbine powered aircraft; and
- 1740 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 1741 results in a change in the fixed wing turbine powered aircraft's certification
- 1742 requirements by the authority that certifies the fixed wing turbine powered aircraft.
- 1743 (10) "Alcoholic beverage" means a beverage that:
- 1744 (a) is suitable for human consumption; and
- 1745 (b) contains .5% or more alcohol by volume.
- 1746 (11) "Alternative energy" means:
- 1747 (a) biomass energy;
- 1748 (b) geothermal energy;
- 1749 (c) hydroelectric energy;

- 1750 (d) solar energy;
- 1751 (e) wind energy; or
- 1752 (f) energy that is derived from:
- 1753 (i) coal-to-liquids;
- 1754 (ii) nuclear fuel;
- 1755 (iii) oil-impregnated diatomaceous earth;
- 1756 (iv) oil sands;
- 1757 (v) oil shale;
- 1758 (vi) petroleum coke; or
- 1759 (vii) waste heat from:
- 1760 (A) an industrial facility; or
- 1761 (B) a power station in which an electric generator is driven through a process in
- 1762 which water is heated, turns into steam, and spins a steam turbine.
- 1763 (12)(a) Subject to Subsection (12)(b), "alternative energy electricity production facility"
- 1764 means a facility that:
- 1765 (i) uses alternative energy to produce electricity; and
- 1766 (ii) has a production capacity of two megawatts or greater.
- 1767 (b) A facility is an alternative energy electricity production facility regardless of whether
- 1768 the facility is:
- 1769 (i) connected to an electric grid; or
- 1770 (ii) located on the premises of an electricity consumer.
- 1771 (13)(a) "Ancillary service" means a service associated with, or incidental to, the
- 1772 provision of telecommunications service.
- 1773 (b) "Ancillary service" includes:
- 1774 (i) a conference bridging service;
- 1775 (ii) a detailed communications billing service;
- 1776 (iii) directory assistance;
- 1777 (iv) a vertical service; or
- 1778 (v) a voice mail service.
- 1779 (14) "Area agency on aging" means the same as that term is defined in Section 26B-6-101.
- 1780 (15) "Assisted amusement device" means an amusement device, skill device, or ride device
- 1781 that is started and stopped by an individual:
- 1782 (a) who is not the purchaser or renter of the right to use or operate the amusement
- 1783 device, skill device, or ride device; and

- 1784 (b) at the direction of the seller of the right to use the amusement device, skill device, or
1785 ride device.
- 1786 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or
1787 washing of tangible personal property if the cleaning or washing labor is primarily
1788 performed by an individual:
- 1789 (a) who is not the purchaser of the cleaning or washing of the tangible personal property;
1790 and
- 1791 (b) at the direction of the seller of the cleaning or washing of the tangible personal
1792 property.
- 1793 (17) "Authorized carrier" means:
- 1794 (a) in the case of vehicles operated over public highways, the holder of credentials
1795 indicating that the vehicle is or will be operated pursuant to both the International
1796 Registration Plan and the International Fuel Tax Agreement;
- 1797 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
1798 certificate or air carrier's operating certificate; or
- 1799 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
1800 stock, a person who uses locomotives, freight cars, railroad work equipment, or other
1801 rolling stock in more than one state.
- 1802 (18)(a) "Biomass energy" means any of the following that is used as the primary source
1803 of energy to produce fuel or electricity:
- 1804 (i) material from a plant or tree; or
- 1805 (ii) other organic matter that is available on a renewable basis, including:
- 1806 (A) slash and brush from forests and woodlands;
- 1807 (B) animal waste;
- 1808 (C) waste vegetable oil;
- 1809 (D) methane or synthetic gas produced at a landfill, as a byproduct of the
1810 treatment of wastewater residuals, or through the conversion of a waste
1811 material through a nonincineration, thermal conversion process;
- 1812 (E) aquatic plants; and
- 1813 (F) agricultural products.
- 1814 (b) "Biomass energy" does not include:
- 1815 (i) black liquor; or
- 1816 (ii) treated woods.
- 1817 (19)(a) "Bundled transaction" means the sale of two or more items of tangible personal

- 1818 property, products, or services if the tangible personal property, products, or services
1819 are:
- 1820 (i) distinct and identifiable; and
 - 1821 (ii) sold for one nonitemized price.
- 1822 (b) "Bundled transaction" does not include:
- 1823 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
1824 the basis of the selection by the purchaser of the items of tangible personal
1825 property included in the transaction;
 - 1826 (ii) the sale of real property;
 - 1827 (iii) the sale of services to real property;
 - 1828 (iv) the retail sale of tangible personal property and a service if:
 - 1829 (A) the tangible personal property:
 - 1830 (I) is essential to the use of the service; and
 - 1831 (II) is provided exclusively in connection with the service; and
 - 1832 (B) the service is the true object of the transaction;
 - 1833 (v) the retail sale of two services if:
 - 1834 (A) one service is provided that is essential to the use or receipt of a second
1835 service;
 - 1836 (B) the first service is provided exclusively in connection with the second service;
1837 and
 - 1838 (C) the second service is the true object of the transaction;
 - 1839 (vi) a transaction that includes tangible personal property or a product subject to
1840 taxation under this chapter and tangible personal property or a product that is not
1841 subject to taxation under this chapter if the:
 - 1842 (A) seller's purchase price of the tangible personal property or product subject to
1843 taxation under this chapter is de minimis; or
 - 1844 (B) seller's sales price of the tangible personal property or product subject to
1845 taxation under this chapter is de minimis; and
 - 1846 (vii) the retail sale of tangible personal property that is not subject to taxation under
1847 this chapter and tangible personal property that is subject to taxation under this
1848 chapter if:
 - 1849 (A) that retail sale includes:
 - 1850 (I) food and food ingredients;
 - 1851 (II) a drug;

- 1852 (III) durable medical equipment;
- 1853 (IV) mobility enhancing equipment;
- 1854 (V) an over-the-counter drug;
- 1855 (VI) a prosthetic device; or
- 1856 (VII) a medical supply; and
- 1857 (B) subject to Subsection (19)(f):
- 1858 (I) the seller's purchase price of the tangible personal property subject to
- 1859 taxation under this chapter is 50% or less of the seller's total purchase price
- 1860 of that retail sale; or
- 1861 (II) the seller's sales price of the tangible personal property subject to taxation
- 1862 under this chapter is 50% or less of the seller's total sales price of that retail
- 1863 sale.
- 1864 (c)(i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or
- 1865 a service that is distinct and identifiable does not include:
- 1866 (A) packaging that:
- 1867 (I) accompanies the sale of the tangible personal property, product, or service;
- 1868 and
- 1869 (II) is incidental or immaterial to the sale of the tangible personal property,
- 1870 product, or service;
- 1871 (B) tangible personal property, a product, or a service provided free of charge with
- 1872 the purchase of another item of tangible personal property, a product, or a
- 1873 service; or
- 1874 (C) an item of tangible personal property, a product, or a service included in the
- 1875 definition of "purchase price."
- 1876 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
- 1877 product, or a service is provided free of charge with the purchase of another item
- 1878 of tangible personal property, a product, or a service if the sales price of the
- 1879 purchased item of tangible personal property, product, or service does not vary
- 1880 depending on the inclusion of the tangible personal property, product, or service
- 1881 provided free of charge.
- 1882 (d)(i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price
- 1883 does not include a price that is separately identified by tangible personal property,
- 1884 product, or service on the following, regardless of whether the following is in
- 1885 paper format or electronic format:

- 1886 (A) a binding sales document; or
- 1887 (B) another supporting sales-related document that is available to a purchaser.
- 1888 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another
- 1889 supporting sales-related document that is available to a purchaser includes:
- 1890 (A) a bill of sale;
- 1891 (B) a contract;
- 1892 (C) an invoice;
- 1893 (D) a lease agreement;
- 1894 (E) a periodic notice of rates and services;
- 1895 (F) a price list;
- 1896 (G) a rate card;
- 1897 (H) a receipt; or
- 1898 (I) a service agreement.
- 1899 (e)(i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal
- 1900 property or a product subject to taxation under this chapter is de minimis if:
- 1901 (A) the seller's purchase price of the tangible personal property or product is 10%
- 1902 or less of the seller's total purchase price of the bundled transaction; or
- 1903 (B) the seller's sales price of the tangible personal property or product is 10% or
- 1904 less of the seller's total sales price of the bundled transaction.
- 1905 (ii) For purposes of Subsection (19)(b)(vi), a seller:
- 1906 (A) shall use the seller's purchase price or the seller's sales price to determine if
- 1907 the purchase price or sales price of the tangible personal property or product
- 1908 subject to taxation under this chapter is de minimis; and
- 1909 (B) may not use a combination of the seller's purchase price and the seller's sales
- 1910 price to determine if the purchase price or sales price of the tangible personal
- 1911 property or product subject to taxation under this chapter is de minimis.
- 1912 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service
- 1913 contract to determine if the sales price of tangible personal property or a product is
- 1914 de minimis.
- 1915 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of the
- 1916 seller's purchase price and the seller's sales price to determine if tangible personal
- 1917 property subject to taxation under this chapter is 50% or less of the seller's total
- 1918 purchase price or sales price of that retail sale.
- 1919 (20) "Car sharing" means the same as that term is defined in Section 13-48a-101.

- 1920 (21) "Car-sharing program" means the same as that term is defined in Section 13-48a-101.
- 1921 (22) "Certified automated system" means software certified by the governing board of the
- 1922 agreement that:
- 1923 (a) calculates the agreement sales and use tax imposed within a local taxing jurisdiction:
- 1924 (i) on a transaction; and
- 1925 (ii) in the states that are members of the agreement;
- 1926 (b) determines the amount of agreement sales and use tax to remit to a state that is a
- 1927 member of the agreement; and
- 1928 (c) maintains a record of the transaction described in Subsection (22)(a)(i).
- 1929 (23) "Certified service provider" means an agent certified:
- 1930 (a) by the governing board of the agreement; and
- 1931 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax, as
- 1932 outlined in the contract between the governing board of the agreement and the
- 1933 certified service provider, other than the seller's obligation under Section 59-12-124
- 1934 to remit a tax on the seller's own purchases.
- 1935 (24)(a) Subject to Subsection (24)(b), "clothing" means all human wearing apparel
- 1936 suitable for general use.
- 1937 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1938 commission shall make rules:
- 1939 (i) listing the items that constitute "clothing"; and
- 1940 (ii) that are consistent with the list of items that constitute "clothing" under the
- 1941 agreement.
- 1942 (25) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
- 1943 (26) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels
- 1944 that does not constitute industrial use under Subsection (60) or residential use under
- 1945 Subsection (115).
- 1946 (27)(a) "Common carrier" means a person engaged in or transacting the business of
- 1947 transporting passengers, freight, merchandise, or other property for hire within this
- 1948 state.
- 1949 (b)(i) "Common carrier" does not include a person that, at the time the person is
- 1950 traveling to or from that person's place of employment, transports a passenger to
- 1951 or from the passenger's place of employment.
- 1952 (ii) For purposes of Subsection (27)(b)(i), in accordance with Title 63G, Chapter 3,
- 1953 Utah Administrative Rulemaking Act, the commission may make rules defining

- 1954 what constitutes a person's place of employment.
- 1955 (c) "Common carrier" does not include a person that provides transportation network
1956 services, as defined in Section 13-51-102.
- 1957 (28) "Component part" includes:
- 1958 (a) poultry, dairy, and other livestock feed, and their components;
- 1959 (b) baling ties and twine used in the baling of hay and straw;
- 1960 (c) fuel used for providing temperature control of orchards and commercial greenhouses
1961 doing a majority of their business in wholesale sales, and for providing power for
1962 off-highway type farm machinery; and
- 1963 (d) feed, seeds, and seedlings.
- 1964 (29) "Computer" means an electronic device that accepts information:
- 1965 (a)(i) in digital form; or
- 1966 (ii) in a form similar to digital form; and
- 1967 (b) manipulates that information for a result based on a sequence of instructions.
- 1968 (30) "Computer software" means a set of coded instructions designed to cause:
- 1969 (a) a computer to perform a task; or
- 1970 (b) automatic data processing equipment to perform a task.
- 1971 (31) "Computer software maintenance contract" means a contract that obligates a seller of
1972 computer software to provide a customer with:
- 1973 (a) future updates or upgrades to computer software;
- 1974 (b) support services with respect to computer software; or
- 1975 (c) a combination of Subsections (31)(a) and (b).
- 1976 (32)(a) "Conference bridging service" means an ancillary service that links two or more
1977 participants of an audio conference call or video conference call.
- 1978 (b) "Conference bridging service" may include providing a telephone number as part of
1979 the ancillary service described in Subsection (32)(a).
- 1980 (c) "Conference bridging service" does not include a telecommunications service used to
1981 reach the ancillary service described in Subsection (32)(a).
- 1982 (33) "Construction materials" means any tangible personal property that will be converted
1983 into real property.
- 1984 (34) "Delivered electronically" means delivered to a purchaser by means other than tangible
1985 storage media.
- 1986 (35)(a) "Delivery charge" means a charge:
- 1987 (i) by a seller of:

- 1988 (A) tangible personal property;
- 1989 (B) a product transferred electronically; or
- 1990 (C) a service; and
- 1991 (ii) for preparation and delivery of the tangible personal property, product transferred
- 1992 electronically, or services described in Subsection (35)(a)(i) to a location
- 1993 designated by the purchaser.
- 1994 (b) "Delivery charge" includes a charge for the following:
- 1995 (i) transportation;
- 1996 (ii) shipping;
- 1997 (iii) postage;
- 1998 (iv) handling;
- 1999 (v) crating; or
- 2000 (vi) packing.
- 2001 (36) "Detailed telecommunications billing service" means an ancillary service of separately
- 2002 stating information pertaining to individual calls on a customer's billing statement.
- 2003 (37) "Dietary supplement" means a product, other than tobacco, that:
- 2004 (a) is intended to supplement the diet;
- 2005 (b) contains one or more of the following dietary ingredients:
- 2006 (i) a vitamin;
- 2007 (ii) a mineral;
- 2008 (iii) an herb or other botanical;
- 2009 (iv) an amino acid;
- 2010 (v) a dietary substance for use by humans to supplement the diet by increasing the
- 2011 total dietary intake; or
- 2012 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 2013 described in Subsections (37)(b)(i) through (v);
- 2014 (c)(i) except as provided in Subsection (37)(c)(ii), is intended for ingestion in:
- 2015 (A) tablet form;
- 2016 (B) capsule form;
- 2017 (C) powder form;
- 2018 (D) softgel form;
- 2019 (E) gelcap form; or
- 2020 (F) liquid form; or
- 2021 (ii) if the product is not intended for ingestion in a form described in Subsections

- 2022 (37)(c)(i)(A) through (F), is not represented:
2023 (A) as conventional food; and
2024 (B) for use as a sole item of:
2025 (I) a meal; or
2026 (II) the diet; and
2027 (d) is required to be labeled as a dietary supplement:
2028 (i) identifiable by the "Supplemental Facts" box found on the label; and
2029 (ii) as required by 21 C.F.R. Sec. 101.36.
- 2030 (38)(a) "Digital audio work" means a work that results from the fixation of a series of
2031 musical, spoken, or other sounds.
2032 (b) "Digital audio work" includes a ringtone.
- 2033 (39) "Digital audio-visual work" means a series of related images which, when shown in
2034 succession, imparts an impression of motion, together with accompanying sounds, if any.
- 2035 (40) "Digital book" means a work that is generally recognized in the ordinary and usual
2036 sense as a book.
- 2037 (41)(a) "Direct mail" means printed material delivered or distributed by United States
2038 mail or other delivery service:
2039 (i) to:
2040 (A) a mass audience; or
2041 (B) addressees on a mailing list provided:
2042 (I) by a purchaser of the mailing list; or
2043 (II) at the discretion of the purchaser of the mailing list; and
2044 (ii) if the cost of the printed material is not billed directly to the recipients.
- 2045 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
2046 purchaser to a seller of direct mail for inclusion in a package containing the printed
2047 material.
- 2048 (c) "Direct mail" does not include multiple items of printed material delivered to a single
2049 address.
- 2050 (42) "Directory assistance" means an ancillary service of providing:
2051 (a) address information; or
2052 (b) telephone number information.
- 2053 (43)(a) "Disposable home medical equipment or supplies" means medical equipment or
2054 supplies that:
2055 (i) cannot withstand repeated use; and

- 2056 (ii) are purchased by, for, or on behalf of a person other than:
- 2057 (A) a health care facility as defined in Section 26B-2-201;
- 2058 (B) a health care provider as defined in Section 78B-3-403;
- 2059 (C) an office of a health care provider described in Subsection (43)(a)(ii)(B); or
- 2060 (D) a person similar to a person described in Subsections (43)(a)(ii)(A) through
- 2061 (C).
- 2062 (b) "Disposable home medical equipment or supplies" does not include:
- 2063 (i) a drug;
- 2064 (ii) durable medical equipment;
- 2065 (iii) a hearing aid;
- 2066 (iv) a hearing aid accessory;
- 2067 (v) mobility enhancing equipment; or
- 2068 (vi) tangible personal property used to correct impaired vision, including:
- 2069 (A) eyeglasses; or
- 2070 (B) contact lenses.
- 2071 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2072 commission may by rule define what constitutes medical equipment or supplies.
- 2073 (44) "Drilling equipment manufacturer" means a facility:
- 2074 (a) located in the state;
- 2075 (b) with respect to which 51% or more of the manufacturing activities of the facility
- 2076 consist of manufacturing component parts of drilling equipment;
- 2077 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
- 2078 manufacturing process; and
- 2079 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
- 2080 manufacturing process.
- 2081 (45)(a) "Drug" means a compound, substance, or preparation, or a component of a
- 2082 compound, substance, or preparation that is:
- 2083 (i) recognized in:
- 2084 (A) the official United States Pharmacopoeia;
- 2085 (B) the official Homeopathic Pharmacopoeia of the United States;
- 2086 (C) the official National Formulary; or
- 2087 (D) a supplement to a publication listed in Subsections (45)(a)(i)(A) through (C);
- 2088 (ii) intended for use in the:
- 2089 (A) diagnosis of disease;

- 2090 (B) cure of disease;
- 2091 (C) mitigation of disease;
- 2092 (D) treatment of disease; or
- 2093 (E) prevention of disease; or
- 2094 (iii) intended to affect:
- 2095 (A) the structure of the body; or
- 2096 (B) any function of the body.
- 2097 (b) "Drug" does not include:
- 2098 (i) food and food ingredients;
- 2099 (ii) a dietary supplement;
- 2100 (iii) an alcoholic beverage; or
- 2101 (iv) a prosthetic device.
- 2102 (46)(a) "Durable medical equipment" means equipment that:
- 2103 (i) can withstand repeated use;
- 2104 (ii) is primarily and customarily used to serve a medical purpose;
- 2105 (iii) generally is not useful to a person in the absence of illness or injury; and
- 2106 (iv) is not worn in or on the body.
- 2107 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 2108 equipment described in Subsection (46)(a).
- 2109 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 2110 (47) "Electronic" means:
- 2111 (a) relating to technology; and
- 2112 (b) having:
- 2113 (i) electrical capabilities;
- 2114 (ii) digital capabilities;
- 2115 (iii) magnetic capabilities;
- 2116 (iv) wireless capabilities;
- 2117 (v) optical capabilities;
- 2118 (vi) electromagnetic capabilities; or
- 2119 (vii) capabilities similar to Subsections (47)(b)(i) through (vi).
- 2120 (48) "Electronic financial payment service" means an establishment:
- 2121 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and
- 2122 Clearinghouse Activities, of the 2012 North American Industry Classification System
- 2123 of the federal Executive Office of the President, Office of Management and Budget;

- 2124 and
- 2125 (b) that performs electronic financial payment services.
- 2126 (49) "Employee" means the same as that term is defined in Section 59-10-401.
- 2127 (50) "Fixed guideway" means a public transit facility that uses and occupies:
- 2128 (a) rail for the use of public transit; or
- 2129 (b) a separate right-of-way for the use of public transit.
- 2130 (51) "Fixed wing turbine powered aircraft" means an aircraft that:
- 2131 (a) is powered by turbine engines;
- 2132 (b) operates on jet fuel; and
- 2133 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 2134 (52) "Fixed wireless service" means a telecommunications service that provides radio
- 2135 communication between fixed points.
- 2136 (53)(a) "Food and food ingredients" means substances:
- 2137 (i) regardless of whether the substances are in:
- 2138 (A) liquid form;
- 2139 (B) concentrated form;
- 2140 (C) solid form;
- 2141 (D) frozen form;
- 2142 (E) dried form; or
- 2143 (F) dehydrated form; and
- 2144 (ii) that are:
- 2145 (A) sold for:
- 2146 (I) ingestion by humans; or
- 2147 (II) chewing by humans; and
- 2148 (B) consumed for the substance's:
- 2149 (I) taste; or
- 2150 (II) nutritional value.
- 2151 (b) "Food and food ingredients" includes an item described in Subsection (99)(b)(iii).
- 2152 (c) "Food and food ingredients" does not include:
- 2153 (i) an alcoholic beverage;
- 2154 (ii) tobacco; or
- 2155 (iii) prepared food.
- 2156 (54)(a) "Fundraising sales" means sales:
- 2157 (i)(A) made by a school; or

- 2158 (B) made by a school student;
- 2159 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 2160 materials, or provide transportation; and
- 2161 (iii) that are part of an officially sanctioned school activity.
- 2162 (b) For purposes of Subsection (54)(a)(iii), "officially sanctioned school activity" means
- 2163 a school activity:
- 2164 (i) that is conducted in accordance with a formal policy adopted by the school or
- 2165 school district governing the authorization and supervision of fundraising
- 2166 activities;
- 2167 (ii) that does not directly or indirectly compensate an individual teacher or other
- 2168 educational personnel by direct payment, commissions, or payment in kind; and
- 2169 (iii) the net or gross revenue from which is deposited in a dedicated account
- 2170 controlled by the school or school district.
- 2171 (55) "Geothermal energy" means energy contained in heat that continuously flows outward
- 2172 from the earth that is used as the sole source of energy to produce electricity.
- 2173 (56) "Governing board of the agreement" means the governing board of the agreement that
- 2174 is:
- 2175 (a) authorized to administer the agreement; and
- 2176 (b) established in accordance with the agreement.
- 2177 (57)(a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
- 2178 (i) the executive branch of the state, including all departments, institutions, boards,
- 2179 divisions, bureaus, offices, commissions, and committees;
- 2180 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
- 2181 Administrative Office of the Courts, and similar administrative units in the
- 2182 judicial branch;
- 2183 (iii) the legislative branch of the state, including the House of Representatives, the
- 2184 Senate, the Legislative Printing Office, the Office of Legislative Research and
- 2185 General Counsel, the Office of the Legislative Auditor General, and the Office of
- 2186 the Legislative Fiscal Analyst;
- 2187 (iv) the National Guard;
- 2188 (v) an independent entity as defined in Section 63E-1-102; or
- 2189 (vi) a political subdivision as defined in Section 17B-1-102.
- 2190 (b) "Governmental entity" does not include the state systems of public and higher
- 2191 education, including:

- 2192 (i) a school;
- 2193 (ii) the State Board of Education;
- 2194 (iii) the Utah Board of Higher Education; or
- 2195 (iv) an institution of higher education described in Section 53B-1-102.
- 2196 (58) "Hydroelectric energy" means water used as the sole source of energy to produce
- 2197 electricity.
- 2198 (59) "Individual-owned shared vehicle" means the same as that term is defined in Section
- 2199 13-48a-101.
- 2200 (60) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other
- 2201 fuels:
- 2202 (a) in mining or extraction of minerals;
- 2203 (b) in agricultural operations to produce an agricultural product up to the time of harvest
- 2204 or placing the agricultural product into a storage facility, including:
- 2205 (i) commercial greenhouses;
- 2206 (ii) irrigation pumps;
- 2207 (iii) farm machinery;
- 2208 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered
- 2209 under Title 41, Chapter 1a, Part 2, Registration; and
- 2210 (v) other farming activities;
- 2211 (c) in manufacturing tangible personal property at an establishment described in:
- 2212 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
- 2213 the federal Executive Office of the President, Office of Management and Budget;
- 2214 or
- 2215 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
- 2216 American Industry Classification System of the federal Executive Office of the
- 2217 President, Office of Management and Budget;
- 2218 (d) by a scrap recycler if:
- 2219 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
- 2220 process one or more of the following items into prepared grades of processed
- 2221 materials for use in new products:
- 2222 (A) iron;
- 2223 (B) steel;
- 2224 (C) nonferrous metal;
- 2225 (D) paper;

- 2226 (E) glass;
- 2227 (F) plastic;
- 2228 (G) textile; or
- 2229 (H) rubber; and
- 2230 (ii) the new products under Subsection (60)(d)(i) would otherwise be made with
- 2231 nonrecycled materials; or
- 2232 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a
- 2233 cogeneration facility as defined in Section 54-2-1.
- 2234 (61)(a) "Installation charge" means a charge for installing:
- 2235 (i) tangible personal property; or
- 2236 (ii) a product transferred electronically.
- 2237 (b) "Installation charge" does not include a charge for:
- 2238 (i) repairs or renovations of:
- 2239 (A) tangible personal property; or
- 2240 (B) a product transferred electronically; or
- 2241 (ii) attaching tangible personal property or a product transferred electronically:
- 2242 (A) to other tangible personal property; and
- 2243 (B) as part of a manufacturing or fabrication process.
- 2244 (62) "Institution of higher education" means an institution of higher education listed in
- 2245 Section 53B-2-101.
- 2246 (63)(a) "Lease" or "rental" means a transfer of possession or control of tangible personal
- 2247 property or a product transferred electronically for:
- 2248 (i)(A) a fixed term; or
- 2249 (B) an indeterminate term; and
- 2250 (ii) consideration.
- 2251 (b) "Lease" or "rental" includes:
- 2252 (i) an agreement covering a motor vehicle and trailer if the amount of consideration
- 2253 may be increased or decreased by reference to the amount realized upon sale or
- 2254 disposition of the property as defined in Section 7701(h)(1), Internal Revenue
- 2255 Code; and
- 2256 (ii) car sharing.
- 2257 (c) "Lease" or "rental" does not include:
- 2258 (i) a transfer of possession or control of property under a security agreement or
- 2259 deferred payment plan that requires the transfer of title upon completion of the

- 2260 required payments;
- 2261 (ii) a transfer of possession or control of property under an agreement that requires
- 2262 the transfer of title:
- 2263 (A) upon completion of required payments; and
- 2264 (B) if the payment of an option price does not exceed the greater of:
- 2265 (I) \$100; or
- 2266 (II) 1% of the total required payments; or
- 2267 (iii) providing tangible personal property along with an operator for a fixed period of
- 2268 time or an indeterminate period of time if the operator is necessary for equipment
- 2269 to perform as designed.
- 2270 (d) For purposes of Subsection (63)(c)(iii), an operator is necessary for equipment to
- 2271 perform as designed if the operator's duties exceed the:
- 2272 (i) set-up of tangible personal property;
- 2273 (ii) maintenance of tangible personal property; or
- 2274 (iii) inspection of tangible personal property.
- 2275 (64) "Lesson" means a fixed period of time for the duration of which a trained instructor:
- 2276 (a) is present with a student in person or by video; and
- 2277 (b) actively instructs the student, including by providing observation or feedback.
- 2278 (65) "Life science establishment" means an establishment in this state that is classified
- 2279 under the following NAICS codes of the 2007 North American Industry Classification
- 2280 System of the federal Executive Office of the President, Office of Management and
- 2281 Budget:
- 2282 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
- 2283 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
- 2284 Manufacturing; or
- 2285 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
- 2286 (66) "Life science research and development facility" means a facility owned, leased, or
- 2287 rented by a life science establishment if research and development is performed in 51%
- 2288 or more of the total area of the facility.
- 2289 (67) "Load and leave" means delivery to a purchaser by use of a tangible storage media if
- 2290 the tangible storage media is not physically transferred to the purchaser.
- 2291 (68) "Local taxing jurisdiction" means a:
- 2292 (a) county that is authorized to impose an agreement sales and use tax;
- 2293 (b) city that is authorized to impose an agreement sales and use tax; or

- 2294 (c) town that is authorized to impose an agreement sales and use tax.
- 2295 (69) "Manufactured home" means the same as that term is defined in Section 15A-1-302.
- 2296 (70) "Manufacturing facility" means:
- 2297 (a) an establishment described in:
- 2298 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
- 2299 the federal Executive Office of the President, Office of Management and Budget;
- 2300 or
- 2301 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
- 2302 American Industry Classification System of the federal Executive Office of the
- 2303 President, Office of Management and Budget;
- 2304 (b) a scrap recycler if:
- 2305 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
- 2306 process one or more of the following items into prepared grades of processed
- 2307 materials for use in new products:
- 2308 (A) iron;
- 2309 (B) steel;
- 2310 (C) nonferrous metal;
- 2311 (D) paper;
- 2312 (E) glass;
- 2313 (F) plastic;
- 2314 (G) textile; or
- 2315 (H) rubber; and
- 2316 (ii) the new products under Subsection (70)(b)(i) would otherwise be made with
- 2317 nonrecycled materials; or
- 2318 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
- 2319 placed in service on or after May 1, 2006.
- 2320 (71)(a) "Marketplace" means a physical or electronic place, platform, or forum where
- 2321 tangible personal property, a product transferred electronically, or a service is offered
- 2322 for sale.
- 2323 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a dedicated
- 2324 sales software application.
- 2325 (72)(a) "Marketplace facilitator" means a person, including an affiliate of the person,
- 2326 that enters into a contract, an agreement, or otherwise with sellers, for consideration,
- 2327 to facilitate the sale of a seller's product through a marketplace that the person owns,

- 2328 operates, or controls and that directly or indirectly:
- 2329 (i) does any of the following:
- 2330 (A) lists, makes available, or advertises tangible personal property, a product
- 2331 transferred electronically, or a service for sale by a marketplace seller on a
- 2332 marketplace that the person owns, operates, or controls;
- 2333 (B) facilitates the sale of a marketplace seller's tangible personal property, product
- 2334 transferred electronically, or service by transmitting or otherwise
- 2335 communicating an offer or acceptance of a retail sale between the marketplace
- 2336 seller and a purchaser using the marketplace;
- 2337 (C) owns, rents, licenses, makes available, or operates any electronic or physical
- 2338 infrastructure or any property, process, method, copyright, trademark, or patent
- 2339 that connects a marketplace seller to a purchaser for the purpose of making a
- 2340 retail sale of tangible personal property, a product transferred electronically, or
- 2341 a service;
- 2342 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of
- 2343 tangible personal property, a product transferred electronically, or a service,
- 2344 regardless of ownership or control of the tangible personal property, the
- 2345 product transferred electronically, or the service that is the subject of the retail
- 2346 sale;
- 2347 (E) provides software development or research and development activities related
- 2348 to any activity described in this Subsection (72)(a)(i), if the software
- 2349 development or research and development activity is directly related to the
- 2350 person's marketplace;
- 2351 (F) provides or offers fulfillment or storage services for a marketplace seller;
- 2352 (G) sets prices for the sale of tangible personal property, a product transferred
- 2353 electronically, or a service by a marketplace seller;
- 2354 (H) provides or offers customer service to a marketplace seller or a marketplace
- 2355 seller's purchaser or accepts or assists with taking orders, returns, or exchanges
- 2356 of tangible personal property, a product transferred electronically, or a service
- 2357 sold by a marketplace seller on the person's marketplace; or
- 2358 (I) brands or otherwise identifies sales as those of the person; and
- 2359 (ii) does any of the following:
- 2360 (A) collects the sales price or purchase price of a retail sale of tangible personal
- 2361 property, a product transferred electronically, or a service;

- 2362 (B) provides payment processing services for a retail sale of tangible personal
2363 property, a product transferred electronically, or a service;
- 2364 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee,
2365 closing fee, a fee for inserting or making available tangible personal property, a
2366 product transferred electronically, or a service on the person's marketplace, or
2367 other consideration for the facilitation of a retail sale of tangible personal
2368 property, a product transferred electronically, or a service, regardless of
2369 ownership or control of the tangible personal property, the product transferred
2370 electronically, or the service that is the subject of the retail sale;
- 2371 (D) through terms and conditions, an agreement, or another arrangement with a
2372 third person, collects payment from a purchase for a retail sale of tangible
2373 personal property, a product transferred electronically, or a service and
2374 transmits that payment to the marketplace seller, regardless of whether the
2375 third person receives compensation or other consideration in exchange for the
2376 service; or
- 2377 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
2378 property, a product transferred electronically, or service offered for sale.
- 2379 (b) "Marketplace facilitator" does not include:
- 2380 (i) a person that only provides payment processing services; or
- 2381 (ii) a person described in Subsection (72)(a) to the extent the person is facilitating a
2382 sale for a seller that is a restaurant as defined in Section 59-12-602.
- 2383 (73) "Marketplace seller" means a seller that makes one or more retail sales through a
2384 marketplace that a marketplace facilitator owns, operates, or controls, regardless of
2385 whether the seller is required to be registered to collect and remit the tax under this part.
- 2386 (74) "Member of the immediate family of the producer" means a person who is related to a
2387 producer described in Subsection 59-12-104(20)(a) as a:
- 2388 (a) child or stepchild, regardless of whether the child or stepchild is:
- 2389 (i) an adopted child or adopted stepchild; or
- 2390 (ii) a foster child or foster stepchild;
- 2391 (b) grandchild or stepgrandchild;
- 2392 (c) grandparent or stepgrandparent;
- 2393 (d) nephew or stepnephew;
- 2394 (e) niece or stepniece;
- 2395 (f) parent or stepparent;

- 2396 (g) sibling or stepsibling;
- 2397 (h) spouse;
- 2398 (i) person who is the spouse of a person described in Subsections (74)(a) through (g); or
- 2399 (j) person similar to a person described in Subsections (74)(a) through (i) as determined
- 2400 by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 2401 Administrative Rulemaking Act.
- 2402 (75) "Mobile home" means the same as that term is defined in Section 15A-1-302.
- 2403 (76) "Mobile telecommunications service" means the same as that term is defined in the
- 2404 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 2405 (77)(a) "Mobile wireless service" means a telecommunications service, regardless of the
- 2406 technology used, if:
- 2407 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 2408 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 2409 (iii) the origination point described in Subsection (77)(a)(i) and the termination point
- 2410 described in Subsection (77)(a)(ii) are not fixed.
- 2411 (b) "Mobile wireless service" includes a telecommunications service that is provided by
- 2412 a commercial mobile radio service provider.
- 2413 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2414 commission may by rule define "commercial mobile radio service provider."
- 2415 (78)(a) "Mobility enhancing equipment" means equipment that is:
- 2416 (i) primarily and customarily used to provide or increase the ability to move from one
- 2417 place to another;
- 2418 (ii) appropriate for use in a:
- 2419 (A) home; or
- 2420 (B) motor vehicle; and
- 2421 (iii) not generally used by persons with normal mobility.
- 2422 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
- 2423 the equipment described in Subsection (78)(a).
- 2424 (c) "Mobility enhancing equipment" does not include:
- 2425 (i) a motor vehicle;
- 2426 (ii) equipment on a motor vehicle if that equipment is normally provided by the
- 2427 motor vehicle manufacturer;
- 2428 (iii) durable medical equipment; or
- 2429 (iv) a prosthetic device.

- 2430 (79) "Model 1 seller" means a seller registered under the agreement that has selected a
2431 certified service provider as the seller's agent to perform the seller's sales and use tax
2432 functions for agreement sales and use taxes, as outlined in the contract between the
2433 governing board of the agreement and the certified service provider, other than the
2434 seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.
- 2435 (80) "Model 2 seller" means a seller registered under the agreement that:
- 2436 (a) except as provided in Subsection (80)(b), has selected a certified automated system
2437 to perform the seller's sales tax functions for agreement sales and use taxes; and
2438 (b) retains responsibility for remitting all of the sales tax:
- 2439 (i) collected by the seller; and
2440 (ii) to the appropriate local taxing jurisdiction.
- 2441 (81)(a) Subject to Subsection (81)(b), "model 3 seller" means a seller registered under
2442 the agreement that has:
- 2443 (i) sales in at least five states that are members of the agreement;
2444 (ii) total annual sales revenue of at least \$500,000,000;
2445 (iii) a proprietary system that calculates the amount of tax:
- 2446 (A) for an agreement sales and use tax; and
2447 (B) due to each local taxing jurisdiction; and
2448 (iv) entered into a performance agreement with the governing board of the agreement.
- 2449 (b) For purposes of Subsection (81)(a), "model 3 seller" includes an affiliated group of
2450 sellers using the same proprietary system.
- 2451 (82) "Model 4 seller" means a seller that is registered under the agreement and is not a
2452 model 1 seller, model 2 seller, or model 3 seller.
- 2453 (83) "Modular home" means a modular unit as defined in Section 15A-1-302.
- 2454 (84) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 2455 (85) "Oil sands" means impregnated bituminous sands that:
- 2456 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
2457 other hydrocarbons, or otherwise treated;
2458 (b) yield mixtures of liquid hydrocarbon; and
2459 (c) require further processing other than mechanical blending before becoming finished
2460 petroleum products.
- 2461 (86) "Oil shale" means a group of fine black to dark brown shales containing kerogen
2462 material that yields petroleum upon heating and distillation.
- 2463 (87) "Optional computer software maintenance contract" means a computer software

- 2464 maintenance contract that a customer is not obligated to purchase as a condition to the
2465 retail sale of computer software.
- 2466 (88)(a) "Other fuels" means products that burn independently to produce heat or energy.
2467 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
2468 personal property.
- 2469 (89)(a) "Paging service" means a telecommunications service that provides transmission
2470 of a coded radio signal for the purpose of activating a specific pager.
2471 (b) For purposes of Subsection (89)(a), the transmission of a coded radio signal includes
2472 a transmission by message or sound.
- 2473 (90) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
2474 (91) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 2475 (92)(a) "Permanently attached to real property" means that for tangible personal property
2476 attached to real property:
- 2477 (i) the attachment of the tangible personal property to the real property:
 - 2478 (A) is essential to the use of the tangible personal property; and
 - 2479 (B) suggests that the tangible personal property will remain attached to the real
2480 property in the same place over the useful life of the tangible personal
2481 property; or
 - 2482 (ii) if the tangible personal property is detached from the real property, the
2483 detachment would:
 - 2484 (A) cause substantial damage to the tangible personal property; or
 - 2485 (B) require substantial alteration or repair of the real property to which the
2486 tangible personal property is attached.
- 2487 (b) "Permanently attached to real property" includes:
- 2488 (i) the attachment of an accessory to the tangible personal property if the accessory is:
 - 2489 (A) essential to the operation of the tangible personal property; and
 - 2490 (B) attached only to facilitate the operation of the tangible personal property;
 - 2491 (ii) a temporary detachment of tangible personal property from real property for a
2492 repair or renovation if the repair or renovation is performed where the tangible
2493 personal property and real property are located; or
 - 2494 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
2495 Subsection (92)(c)(iii) or (iv).
- 2496 (c) "Permanently attached to real property" does not include:
- 2497 (i) the attachment of portable or movable tangible personal property to real property

- 2498 if that portable or movable tangible personal property is attached to real property
 2499 only for:
- 2500 (A) convenience;
 - 2501 (B) stability; or
 - 2502 (C) for an obvious temporary purpose;
- 2503 (ii) the detachment of tangible personal property from real property except for the
 2504 detachment described in Subsection (92)(b)(ii);
- 2505 (iii) an attachment of the following tangible personal property to real property if the
 2506 attachment to real property is only through a line that supplies water, electricity,
 2507 gas, telecommunications, cable, or supplies a similar item as determined by the
 2508 commission by rule made in accordance with Title 63G, Chapter 3, Utah
 2509 Administrative Rulemaking Act:
- 2510 (A) a computer;
 - 2511 (B) a telephone;
 - 2512 (C) a television; or
 - 2513 (D) tangible personal property similar to Subsections (92)(c)(iii)(A) through (C)
 2514 as determined by the commission by rule made in accordance with Title 63G,
 2515 Chapter 3, Utah Administrative Rulemaking Act; or
- 2516 (iv) an item listed in Subsection (137)(c).
- 2517 (93) "Person" includes any individual, firm, partnership, joint venture, association,
 2518 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
 2519 municipality, district, or other local governmental entity of the state, or any group or
 2520 combination acting as a unit.
- 2521 (94) "Place of primary use":
- 2522 (a) for telecommunications service other than mobile telecommunications service,
 2523 means the street address representative of where the customer's use of the
 2524 telecommunications service primarily occurs, which shall be:
 - 2525 (i) the residential street address of the customer; or
 - 2526 (ii) the primary business street address of the customer; or
 - 2527 (b) for mobile telecommunications service, means the same as that term is defined in the
 2528 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 2529 (95)(a) "Postpaid calling service" means a telecommunications service a person obtains
 2530 by making a payment on a call-by-call basis:
- 2531 (i) through the use of a:

- 2532 (A) bank card;
- 2533 (B) credit card;
- 2534 (C) debit card; or
- 2535 (D) travel card; or
- 2536 (ii) by a charge made to a telephone number that is not associated with the origination
- 2537 or termination of the telecommunications service.
- 2538 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
- 2539 service, that would be a prepaid wireless calling service if the service were
- 2540 exclusively a telecommunications service.
- 2541 (96) "Postproduction" means an activity related to the finishing or duplication of a medium
- 2542 described in Subsection 59-12-104(54)(a).
- 2543 (97) "Prepaid calling service" means a telecommunications service:
- 2544 (a) that allows a purchaser access to telecommunications service that is exclusively
- 2545 telecommunications service;
- 2546 (b) that:
- 2547 (i) is paid for in advance; and
- 2548 (ii) enables the origination of a call using an:
- 2549 (A) access number; or
- 2550 (B) authorization code;
- 2551 (c) that is dialed:
- 2552 (i) manually; or
- 2553 (ii) electronically; and
- 2554 (d) sold in predetermined units or dollars that decline:
- 2555 (i) by a known amount; and
- 2556 (ii) with use.
- 2557 (98) "Prepaid wireless calling service" means a telecommunications service:
- 2558 (a) that provides the right to utilize:
- 2559 (i) mobile wireless service; and
- 2560 (ii) other service that is not a telecommunications service, including:
- 2561 (A) the download of a product transferred electronically;
- 2562 (B) a content service; or
- 2563 (C) an ancillary service;
- 2564 (b) that:
- 2565 (i) is paid for in advance; and

- 2566 (ii) enables the origination of a call using an:
- 2567 (A) access number; or
- 2568 (B) authorization code;
- 2569 (c) that is dialed:
- 2570 (i) manually; or
- 2571 (ii) electronically; and
- 2572 (d) sold in predetermined units or dollars that decline:
- 2573 (i) by a known amount; and
- 2574 (ii) with use.
- 2575 (99)(a) "Prepared food" means:
- 2576 (i) food:
- 2577 (A) sold in a heated state; or
- 2578 (B) heated by a seller;
- 2579 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
- 2580 item; or
- 2581 (iii) except as provided in Subsection (99)(c), food sold with an eating utensil
- 2582 provided by the seller, including a:
- 2583 (A) plate;
- 2584 (B) knife;
- 2585 (C) fork;
- 2586 (D) spoon;
- 2587 (E) glass;
- 2588 (F) cup;
- 2589 (G) napkin; or
- 2590 (H) straw.
- 2591 (b) "Prepared food" does not include:
- 2592 (i) food that a seller only:
- 2593 (A) cuts;
- 2594 (B) repackages; or
- 2595 (C) pasteurizes;
- 2596 (ii)(A) the following:
- 2597 (I) raw egg;
- 2598 (II) raw fish;
- 2599 (III) raw meat;

- 2600 (IV) raw poultry; or
- 2601 (V) a food containing an item described in Subsections (99)(b)(ii)(A)(I)
- 2602 through (IV); and
- 2603 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of
- 2604 the Food and Drug Administration's Food Code that a consumer cook the items
- 2605 described in Subsection (99)(b)(ii)(A) to prevent food borne illness; or
- 2606 (iii) the following if sold without eating utensils provided by the seller:
- 2607 (A) food and food ingredients sold by a seller if the seller's proper primary
- 2608 classification under the 2002 North American Industry Classification System
- 2609 of the federal Executive Office of the President, Office of Management and
- 2610 Budget, is manufacturing in Sector 311, Food Manufacturing, except for
- 2611 Subsector 3118, Bakeries and Tortilla Manufacturing;
- 2612 (B) food and food ingredients sold in an unheated state:
- 2613 (I) by weight or volume; and
- 2614 (II) as a single item; or
- 2615 (C) a bakery item, including:
- 2616 (I) a bagel;
- 2617 (II) a bar;
- 2618 (III) a biscuit;
- 2619 (IV) bread;
- 2620 (V) a bun;
- 2621 (VI) a cake;
- 2622 (VII) a cookie;
- 2623 (VIII) a croissant;
- 2624 (IX) a danish;
- 2625 (X) a donut;
- 2626 (XI) a muffin;
- 2627 (XII) a pastry;
- 2628 (XIII) a pie;
- 2629 (XIV) a roll;
- 2630 (XV) a tart;
- 2631 (XVI) a torte; or
- 2632 (XVII) a tortilla.
- 2633 (c) An eating utensil provided by the seller does not include the following used to

- 2634 transport the food:
- 2635 (i) a container; or
- 2636 (ii) packaging.
- 2637 (100) "Prescription" means an order, formula, or recipe that is issued:
- 2638 (a)(i) orally;
- 2639 (ii) in writing;
- 2640 (iii) electronically; or
- 2641 (iv) by any other manner of transmission; and
- 2642 (b) by a licensed practitioner authorized by the laws of a state.
- 2643 (101)(a) "Prewritten computer software" means computer software that is not designed
- 2644 and developed:
- 2645 (i) by the author or other creator of the computer software; and
- 2646 (ii) to the specifications of a specific purchaser.
- 2647 (b) "Prewritten computer software" includes:
- 2648 (i) a prewritten upgrade to computer software if the prewritten upgrade to the
- 2649 computer software is not designed and developed:
- 2650 (A) by the author or other creator of the computer software; and
- 2651 (B) to the specifications of a specific purchaser;
- 2652 (ii) computer software designed and developed by the author or other creator of the
- 2653 computer software to the specifications of a specific purchaser if the computer
- 2654 software is sold to a person other than the purchaser; or
- 2655 (iii) except as provided in Subsection (101)(c), prewritten computer software or a
- 2656 prewritten portion of prewritten computer software:
- 2657 (A) that is modified or enhanced to any degree; and
- 2658 (B) if the modification or enhancement described in Subsection (101)(b)(iii)(A) is
- 2659 designed and developed to the specifications of a specific purchaser.
- 2660 (c) "Prewritten computer software" does not include a modification or enhancement
- 2661 described in Subsection (101)(b)(iii) if the charges for the modification or
- 2662 enhancement are:
- 2663 (i) reasonable; and
- 2664 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), separately stated on the
- 2665 invoice or other statement of price provided to the purchaser at the time of sale or
- 2666 later, as demonstrated by:
- 2667 (A) the books and records the seller keeps at the time of the transaction in the

- 2668 regular course of business, including books and records the seller keeps at the
2669 time of the transaction in the regular course of business for nontax purposes;
- 2670 (B) a preponderance of the facts and circumstances at the time of the transaction;
2671 and
2672 (C) the understanding of all of the parties to the transaction.
- 2673 (102)(a) "Private communications service" means a telecommunications service:
2674 (i) that entitles a customer to exclusive or priority use of one or more
2675 communications channels between or among termination points; and
2676 (ii) regardless of the manner in which the one or more communications channels are
2677 connected.
- 2678 (b) "Private communications service" includes the following provided in connection
2679 with the use of one or more communications channels:
2680 (i) an extension line;
2681 (ii) a station;
2682 (iii) switching capacity; or
2683 (iv) another associated service that is provided in connection with the use of one or
2684 more communications channels as defined in Section 59-12-215.
- 2685 (103)(a) "Product transferred electronically" means a product transferred electronically
2686 that would be subject to a tax under this chapter if that product was transferred in a
2687 manner other than electronically.
- 2688 (b) "Product transferred electronically" does not include:
2689 (i) an ancillary service;
2690 (ii) computer software; or
2691 (iii) a telecommunications service.
- 2692 (104)(a) "Prosthetic device" means a device that is worn on or in the body to:
2693 (i) artificially replace a missing portion of the body;
2694 (ii) prevent or correct a physical deformity or physical malfunction; or
2695 (iii) support a weak or deformed portion of the body.
- 2696 (b) "Prosthetic device" includes:
2697 (i) parts used in the repairs or renovation of a prosthetic device;
2698 (ii) replacement parts for a prosthetic device;
2699 (iii) a dental prosthesis; or
2700 (iv) a hearing aid.
- 2701 (c) "Prosthetic device" does not include:

- 2702 (i) corrective eyeglasses; or
2703 (ii) contact lenses.
- 2704 (105)(a) "Protective equipment" means an item:
2705 (i) for human wear; and
2706 (ii) that is:
2707 (A) designed as protection:
2708 (I) to the wearer against injury or disease; or
2709 (II) against damage or injury of other persons or property; and
2710 (B) not suitable for general use.
- 2711 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2712 commission shall make rules:
2713 (i) listing the items that constitute "protective equipment"; and
2714 (ii) that are consistent with the list of items that constitute "protective equipment"
2715 under the agreement.
- 2716 (106)(a) For purposes of Subsection 59-12-104(41), "publication" means any written or
2717 printed matter, other than a photocopy:
2718 (i) regardless of:
2719 (A) characteristics;
2720 (B) copyright;
2721 (C) form;
2722 (D) format;
2723 (E) method of reproduction; or
2724 (F) source; and
2725 (ii) made available in printed or electronic format.
- 2726 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2727 commission may by rule define the term "photocopy."
- 2728 (107)(a) "Purchase price" and "sales price" mean the total amount of consideration:
2729 (i) valued in money; and
2730 (ii) for which tangible personal property, a product transferred electronically, or
2731 services are:
2732 (A) sold;
2733 (B) leased; or
2734 (C) rented.
- 2735 (b) "Purchase price" and "sales price" include:

- 2736 (i) the seller's cost of the tangible personal property, a product transferred
2737 electronically, or services sold;
- 2738 (ii) expenses of the seller, including:
- 2739 (A) the cost of materials used;
- 2740 (B) a labor cost;
- 2741 (C) a service cost;
- 2742 (D) interest;
- 2743 (E) a loss;
- 2744 (F) the cost of transportation to the seller; or
- 2745 (G) a tax imposed on the seller;
- 2746 (iii) a charge by the seller for any service necessary to complete the sale; or
- 2747 (iv) consideration a seller receives from a person other than the purchaser if:
- 2748 (A)(I) the seller actually receives consideration from a person other than the
2749 purchaser; and
- 2750 (II) the consideration described in Subsection (107)(b)(iv)(A)(I) is directly
2751 related to a price reduction or discount on the sale;
- 2752 (B) the seller has an obligation to pass the price reduction or discount through to
2753 the purchaser;
- 2754 (C) the amount of the consideration attributable to the sale is fixed and
2755 determinable by the seller at the time of the sale to the purchaser; and
- 2756 (D)(I)(Aa) the purchaser presents a certificate, coupon, or other
2757 documentation to the seller to claim a price reduction or discount; and
- 2758 (Bb) a person other than the seller authorizes, distributes, or grants the
2759 certificate, coupon, or other documentation with the understanding that
2760 the person other than the seller will reimburse any seller to whom the
2761 certificate, coupon, or other documentation is presented;
- 2762 (II) the purchaser identifies that purchaser to the seller as a member of a group
2763 or organization allowed a price reduction or discount, except that a
2764 preferred customer card that is available to any patron of a seller does not
2765 constitute membership in a group or organization allowed a price reduction
2766 or discount; or
- 2767 (III) the price reduction or discount is identified as a third party price reduction
2768 or discount on the:
- 2769 (Aa) invoice the purchaser receives; or

- 2770 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 2771 (c) "Purchase price" and "sales price" do not include:
- 2772 (i) a discount:
- 2773 (A) in a form including:
- 2774 (I) cash;
- 2775 (II) term; or
- 2776 (III) coupon;
- 2777 (B) that is allowed by a seller;
- 2778 (C) taken by a purchaser on a sale; and
- 2779 (D) that is not reimbursed by a third party; or
- 2780 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), the following if
- 2781 separately stated on an invoice, bill of sale, or similar document provided to the
- 2782 purchaser at the time of sale or later, as demonstrated by the books and records the
- 2783 seller keeps at the time of the transaction in the regular course of business,
- 2784 including books and records the seller keeps at the time of the transaction in the
- 2785 regular course of business for nontax purposes, by a preponderance of the facts
- 2786 and circumstances at the time of the transaction, and by the understanding of all of
- 2787 the parties to the transaction:
- 2788 (A) the following from credit extended on the sale of tangible personal property or
- 2789 services:
- 2790 (I) a carrying charge;
- 2791 (II) a financing charge; or
- 2792 (III) an interest charge;
- 2793 (B) a delivery charge;
- 2794 (C) an installation charge;
- 2795 (D) a manufacturer rebate on a motor vehicle; or
- 2796 (E) a tax or fee legally imposed directly on the consumer.
- 2797 (108) "Purchaser" means a person to whom:
- 2798 (a) a sale of tangible personal property is made;
- 2799 (b) a product is transferred electronically; or
- 2800 (c) a service is furnished.
- 2801 (109) "Qualifying data center" means a data center facility that:
- 2802 (a) houses a group of networked server computers in one physical location in order to
- 2803 disseminate, manage, and store data and information;

- 2804 (b) is located in the state;
- 2805 (c) is a new operation constructed on or after July 1, 2016;
- 2806 (d) consists of one or more buildings that total 150,000 or more square feet;
- 2807 (e) is owned or leased by:
- 2808 (i) the operator of the data center facility; or
- 2809 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 2810 operator of the data center facility; and
- 2811 (f) is located on one or more parcels of land that are owned or leased by:
- 2812 (i) the operator of the data center facility; or
- 2813 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 2814 operator of the data center facility.
- 2815 (110) "Regularly rented" means:
- 2816 (a) rented to a guest for value three or more times during a calendar year; or
- 2817 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 2818 value.
- 2819 (111) "Rental" means the same as that term is defined in Subsection (63).
- 2820 (112)(a) "Repairs or renovations of tangible personal property" means:
- 2821 (i) a repair or renovation of tangible personal property that is not permanently
- 2822 attached to real property; or
- 2823 (ii) attaching tangible personal property or a product transferred electronically to
- 2824 other tangible personal property or detaching tangible personal property or a
- 2825 product transferred electronically from other tangible personal property if:
- 2826 (A) the other tangible personal property to which the tangible personal property or
- 2827 product transferred electronically is attached or from which the tangible
- 2828 personal property or product transferred electronically is detached is not
- 2829 permanently attached to real property; and
- 2830 (B) the attachment of tangible personal property or a product transferred
- 2831 electronically to other tangible personal property or detachment of tangible
- 2832 personal property or a product transferred electronically from other tangible
- 2833 personal property is made in conjunction with a repair or replacement of
- 2834 tangible personal property or a product transferred electronically.
- 2835 (b) "Repairs or renovations of tangible personal property" does not include:
- 2836 (i) attaching prewritten computer software to other tangible personal property if the
- 2837 other tangible personal property to which the prewritten computer software is

- 2838 attached is not permanently attached to real property; or
- 2839 (ii) detaching prewritten computer software from other tangible personal property if
- 2840 the other tangible personal property from which the prewritten computer software
- 2841 is detached is not permanently attached to real property.
- 2842 (113) "Research and development" means the process of inquiry or experimentation aimed
- 2843 at the discovery of facts, devices, technologies, or applications and the process of
- 2844 preparing those devices, technologies, or applications for marketing.
- 2845 (114)(a) "Residential telecommunications services" means a telecommunications service
- 2846 or an ancillary service that is provided to an individual for personal use:
- 2847 (i) at a residential address; or
- 2848 (ii) at an institution, including a nursing home or a school, if the telecommunications
- 2849 service or ancillary service is provided to and paid for by the individual residing at
- 2850 the institution rather than the institution.
- 2851 (b) For purposes of Subsection (114)(a)(i), a residential address includes an:
- 2852 (i) apartment; or
- 2853 (ii) other individual dwelling unit.
- 2854 (115) "Residential use" means the use in or around a home, apartment building, sleeping
- 2855 quarters, and similar facilities or accommodations.
- 2856 (116) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
- 2857 (a) resale;
- 2858 (b) sublease; or
- 2859 (c) subrent.
- 2860 (117)(a) "Retailer" means any person, unless prohibited by the Constitution of the
- 2861 United States or federal law, that is engaged in a regularly organized business in
- 2862 tangible personal property or any other taxable transaction under Subsection
- 2863 59-12-103(1), and who is selling to the user or consumer and not for resale.
- 2864 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
- 2865 engaged in the business of selling to users or consumers within the state.
- 2866 (118)(a) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise,
- 2867 in any manner, of tangible personal property or any other taxable transaction under
- 2868 Subsection 59-12-103(1), for consideration.
- 2869 (b) "Sale" includes:
- 2870 (i) installment and credit sales;
- 2871 (ii) any closed transaction constituting a sale;

- 2872 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
2873 chapter;
- 2874 (iv) any transaction if the possession of property is transferred but the seller retains
2875 the title as security for the payment of the price; and
- 2876 (v) any transaction under which right to possession, operation, or use of any article of
2877 tangible personal property is granted under a lease or contract and the transfer of
2878 possession would be taxable if an outright sale were made.
- 2879 (119) "Sale at retail" means the same as that term is defined in Subsection (116).
- 2880 (120) "Sale-leaseback transaction" means a transaction by which title to tangible personal
2881 property or a product transferred electronically that is subject to a tax under this chapter
2882 is transferred:
- 2883 (a) by a purchaser-lessee;
- 2884 (b) to a lessor;
- 2885 (c) for consideration; and
- 2886 (d) if:
- 2887 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial
2888 purchase of the tangible personal property or product transferred electronically;
- 2889 (ii) the sale of the tangible personal property or product transferred electronically to
2890 the lessor is intended as a form of financing:
- 2891 (A) for the tangible personal property or product transferred electronically; and
2892 (B) to the purchaser-lessee; and
- 2893 (iii) in accordance with generally accepted accounting principles, the
2894 purchaser-lessee is required to:
- 2895 (A) capitalize the tangible personal property or product transferred electronically
2896 for financial reporting purposes; and
- 2897 (B) account for the lease payments as payments made under a financing
2898 arrangement.
- 2899 (121) "Sales price" means the same as that term is defined in Subsection (107).
- 2900 (122)(a) "Sales relating to schools" means the following sales by, amounts paid to, or
2901 amounts charged by a school:
- 2902 (i) sales that are directly related to the school's educational functions or activities
2903 including:
- 2904 (A) the sale of:
- 2905 (I) textbooks;

- 2906 (II) textbook fees;
- 2907 (III) laboratory fees;
- 2908 (IV) laboratory supplies; or
- 2909 (V) safety equipment;
- 2910 (B) the sale of a uniform, protective equipment, or sports or recreational
- 2911 equipment that:
- 2912 (I) a student is specifically required to wear as a condition of participation in a
- 2913 school-related event or school-related activity; and
- 2914 (II) is not readily adaptable to general or continued usage to the extent that it
- 2915 takes the place of ordinary clothing;
- 2916 (C) sales of the following if the net or gross revenue generated by the sales is
- 2917 deposited into a school district fund or school fund dedicated to school meals:
- 2918 (I) food and food ingredients; or
- 2919 (II) prepared food; or
- 2920 (D) transportation charges for official school activities; or
- 2921 (ii) amounts paid to or amounts charged by a school for admission to a school-related
- 2922 event or school-related activity.
- 2923 (b) "Sales relating to schools" does not include:
- 2924 (i) bookstore sales of items that are not educational materials or supplies;
- 2925 (ii) except as provided in Subsection (122)(a)(i)(B):
- 2926 (A) clothing;
- 2927 (B) clothing accessories or equipment;
- 2928 (C) protective equipment; or
- 2929 (D) sports or recreational equipment; or
- 2930 (iii) amounts paid to or amounts charged by a school for admission to a
- 2931 school-related event or school-related activity if the amounts paid or charged are
- 2932 passed through to a person:
- 2933 (A) other than a:
- 2934 (I) school;
- 2935 (II) nonprofit organization authorized by a school board or a governing body of
- 2936 a private school to organize and direct a competitive secondary school
- 2937 activity; or
- 2938 (III) nonprofit association authorized by a school board or a governing body of
- 2939 a private school to organize and direct a competitive secondary school

- 2940 activity; and
- 2941 (B) that is required to collect sales and use taxes under this chapter.
- 2942 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2943 commission may make rules defining the term "passed through."
- 2944 (123) For purposes of this section and Section 59-12-104, "school" means:
- 2945 (a) an elementary school or a secondary school that:
- 2946 (i) is a:
- 2947 (A) public school; or
- 2948 (B) private school; and
- 2949 (ii) provides instruction for one or more grades kindergarten through 12; or
- 2950 (b) a public school district.
- 2951 (124)(a) "Seller" means a person that makes a sale, lease, or rental of:
- 2952 (i) tangible personal property;
- 2953 (ii) a product transferred electronically; or
- 2954 (iii) a service.
- 2955 (b) "Seller" includes a marketplace facilitator.
- 2956 (125)(a) "Semiconductor fabricating, processing, research, or development materials"
- 2957 means tangible personal property or a product transferred electronically if the
- 2958 tangible personal property or product transferred electronically is:
- 2959 (i) used primarily in the process of:
- 2960 (A)(I) manufacturing a semiconductor;
- 2961 (II) fabricating a semiconductor; or
- 2962 (III) research or development of a:
- 2963 (Aa) semiconductor; or
- 2964 (Bb) semiconductor manufacturing process; or
- 2965 (B) maintaining an environment suitable for a semiconductor; or
- 2966 (ii) consumed primarily in the process of:
- 2967 (A)(I) manufacturing a semiconductor;
- 2968 (II) fabricating a semiconductor; or
- 2969 (III) research or development of a:
- 2970 (Aa) semiconductor; or
- 2971 (Bb) semiconductor manufacturing process; or
- 2972 (B) maintaining an environment suitable for a semiconductor.
- 2973 (b) "Semiconductor fabricating, processing, research, or development materials"

- 2974 includes:
- 2975 (i) parts used in the repairs or renovations of tangible personal property or a product
- 2976 transferred electronically described in Subsection (125)(a); or
- 2977 (ii) a chemical, catalyst, or other material used to:
- 2978 (A) produce or induce in a semiconductor a:
- 2979 (I) chemical change; or
- 2980 (II) physical change;
- 2981 (B) remove impurities from a semiconductor; or
- 2982 (C) improve the marketable condition of a semiconductor.
- 2983 (126) "Senior citizen center" means a facility having the primary purpose of providing
- 2984 services to the aged as defined in Section 26B-6-101.
- 2985 (127) "Shared vehicle" means the same as that term is defined in Section 13-48a-101.
- 2986 (128) "Shared vehicle driver" means the same as that term is defined in Section 13-48a-101.
- 2987 (129) "Shared vehicle owner" means the same as that term is defined in Section 13-48a-101.
- 2988 (130)(a) Subject to Subsections (130)(b) and (c), "short-term lodging consumable"
- 2989 means tangible personal property that:
- 2990 (i) a business that provides accommodations and services described in Subsection
- 2991 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations
- 2992 and services to a purchaser;
- 2993 (ii) is intended to be consumed by the purchaser; and
- 2994 (iii) is:
- 2995 (A) included in the purchase price of the accommodations and services; and
- 2996 (B) not separately stated on an invoice, bill of sale, or other similar document
- 2997 provided to the purchaser.
- 2998 (b) "Short-term lodging consumable" includes:
- 2999 (i) a beverage;
- 3000 (ii) a brush or comb;
- 3001 (iii) a cosmetic;
- 3002 (iv) a hair care product;
- 3003 (v) lotion;
- 3004 (vi) a magazine;
- 3005 (vii) makeup;
- 3006 (viii) a meal;
- 3007 (ix) mouthwash;

- 3008 (x) nail polish remover;
- 3009 (xi) a newspaper;
- 3010 (xii) a notepad;
- 3011 (xiii) a pen;
- 3012 (xiv) a pencil;
- 3013 (xv) a razor;
- 3014 (xvi) saline solution;
- 3015 (xvii) a sewing kit;
- 3016 (xviii) shaving cream;
- 3017 (xix) a shoe shine kit;
- 3018 (xx) a shower cap;
- 3019 (xxi) a snack item;
- 3020 (xxii) soap;
- 3021 (xxiii) toilet paper;
- 3022 (xxiv) a toothbrush;
- 3023 (xxv) toothpaste; or
- 3024 (xxvi) an item similar to Subsections (130)(b)(i) through (xxv) as the commission
- 3025 may provide by rule made in accordance with Title 63G, Chapter 3, Utah
- 3026 Administrative Rulemaking Act.
- 3027 (c) "Short-term lodging consumable" does not include:
- 3028 (i) tangible personal property that is cleaned or washed to allow the tangible personal
- 3029 property to be reused; or
- 3030 (ii) a product transferred electronically.
- 3031 (131)(a) "Short-term rental" means a lease or rental for less than 30 consecutive days.
- 3032 (b) "Short-term rental" does not include car sharing.
- 3033 (132) "Simplified electronic return" means the electronic return:
- 3034 (a) described in Section 318(C) of the agreement; and
- 3035 (b) approved by the governing board of the agreement.
- 3036 (133) "Solar energy" means the sun used as the sole source of energy for producing
- 3037 electricity.
- 3038 (134)(a) "Sports or recreational equipment" means an item:
- 3039 (i) designed for human use; and
- 3040 (ii) that is:
- 3041 (A) worn in conjunction with:

- 3042 (I) an athletic activity; or
3043 (II) a recreational activity; and
3044 (B) not suitable for general use.
- 3045 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3046 commission shall make rules:
3047 (i) listing the items that constitute "sports or recreational equipment"; and
3048 (ii) that are consistent with the list of items that constitute "sports or recreational
3049 equipment" under the agreement.
- 3050 (135) "State" means the state of Utah, its departments, and agencies.
- 3051 (136) "Storage" means any keeping or retention of tangible personal property or any other
3052 taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
3053 sale in the regular course of business.
- 3054 (137)(a) "Tangible personal property" means personal property that:
3055 (i) may be:
3056 (A) seen;
3057 (B) weighed;
3058 (C) measured;
3059 (D) felt; or
3060 (E) touched; or
3061 (ii) is in any manner perceptible to the senses.
- 3062 (b) "Tangible personal property" includes:
3063 (i) electricity;
3064 (ii) water;
3065 (iii) gas;
3066 (iv) steam; or
3067 (v) prewritten computer software, regardless of the manner in which the prewritten
3068 computer software is transferred.
- 3069 (c) "Tangible personal property" includes the following regardless of whether the item is
3070 attached to real property:
3071 (i) a dishwasher;
3072 (ii) a dryer;
3073 (iii) a freezer;
3074 (iv) a microwave;
3075 (v) a refrigerator;

- 3076 (vi) a stove;
- 3077 (vii) a washer; or
- 3078 (viii) an item similar to Subsections (137)(c)(i) through (vii) as determined by the
- 3079 commission by rule made in accordance with Title 63G, Chapter 3, Utah
- 3080 Administrative Rulemaking Act.
- 3081 (d) "Tangible personal property" does not include a product that is transferred
- 3082 electronically.
- 3083 (e) "Tangible personal property" does not include the following if attached to real
- 3084 property, regardless of whether the attachment to real property is only through a line
- 3085 that supplies water, electricity, gas, telephone, cable, or supplies a similar item as
- 3086 determined by the commission by rule made in accordance with Title 63G, Chapter 3,
- 3087 Utah Administrative Rulemaking Act:
- 3088 (i) a hot water heater;
- 3089 (ii) a water filtration system; or
- 3090 (iii) a water softener system.
- 3091 (138)(a) "Telecommunications enabling or facilitating equipment, machinery, or
- 3092 software" means an item listed in Subsection (138)(b) if that item is purchased or
- 3093 leased primarily to enable or facilitate one or more of the following to function:
- 3094 (i) telecommunications switching or routing equipment, machinery, or software; or
- 3095 (ii) telecommunications transmission equipment, machinery, or software.
- 3096 (b) The following apply to Subsection (138)(a):
- 3097 (i) a pole;
- 3098 (ii) software;
- 3099 (iii) a supplementary power supply;
- 3100 (iv) temperature or environmental equipment or machinery;
- 3101 (v) test equipment;
- 3102 (vi) a tower; or
- 3103 (vii) equipment, machinery, or software that functions similarly to an item listed in
- 3104 Subsections (138)(b)(i) through (vi) as determined by the commission by rule
- 3105 made in accordance with Subsection (138)(c).
- 3106 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3107 commission may by rule define what constitutes equipment, machinery, or software
- 3108 that functions similarly to an item listed in Subsections (138)(b)(i) through (vi).
- 3109 (139) "Telecommunications equipment, machinery, or software required for 911 service"

3110 means equipment, machinery, or software that is required to comply with 47 C.F.R. Sec.
3111 20.18.

3112 (140) "Telecommunications maintenance or repair equipment, machinery, or software"

3113 means equipment, machinery, or software purchased or leased primarily to maintain or
3114 repair one or more of the following, regardless of whether the equipment, machinery, or
3115 software is purchased or leased as a spare part or as an upgrade or modification to one or
3116 more of the following:

3117 (a) telecommunications enabling or facilitating equipment, machinery, or software;

3118 (b) telecommunications switching or routing equipment, machinery, or software; or

3119 (c) telecommunications transmission equipment, machinery, or software.

3120 (141)(a) "Telecommunications service" means the electronic conveyance, routing, or
3121 transmission of audio, data, video, voice, or any other information or signal to a
3122 point, or among or between points.

3123 (b) "Telecommunications service" includes:

3124 (i) an electronic conveyance, routing, or transmission with respect to which a
3125 computer processing application is used to act:

3126 (A) on the code, form, or protocol of the content;

3127 (B) for the purpose of electronic conveyance, routing, or transmission; and

3128 (C) regardless of whether the service:

3129 (I) is referred to as voice over Internet protocol service; or

3130 (II) is classified by the Federal Communications Commission as enhanced or
3131 value added;

3132 (ii) an 800 service;

3133 (iii) a 900 service;

3134 (iv) a fixed wireless service;

3135 (v) a mobile wireless service;

3136 (vi) a postpaid calling service;

3137 (vii) a prepaid calling service;

3138 (viii) a prepaid wireless calling service; or

3139 (ix) a private communications service.

3140 (c) "Telecommunications service" does not include:

3141 (i) advertising, including directory advertising;

3142 (ii) an ancillary service;

3143 (iii) a billing and collection service provided to a third party;

- 3144 (iv) a data processing and information service if:
- 3145 (A) the data processing and information service allows data to be:
- 3146 (I)(Aa) acquired;
- 3147 (Bb) generated;
- 3148 (Cc) processed;
- 3149 (Dd) retrieved; or
- 3150 (Ee) stored; and
- 3151 (II) delivered by an electronic transmission to a purchaser; and
- 3152 (B) the purchaser's primary purpose for the underlying transaction is the processed
- 3153 data or information;
- 3154 (v) installation or maintenance of the following on a customer's premises:
- 3155 (A) equipment; or
- 3156 (B) wiring;
- 3157 (vi) Internet access service;
- 3158 (vii) a paging service;
- 3159 (viii) a product transferred electronically, including:
- 3160 (A) music;
- 3161 (B) reading material;
- 3162 (C) a ring tone;
- 3163 (D) software; or
- 3164 (E) video;
- 3165 (ix) a radio and television audio and video programming service:
- 3166 (A) regardless of the medium; and
- 3167 (B) including:
- 3168 (I) furnishing conveyance, routing, or transmission of a television audio and
- 3169 video programming service by a programming service provider;
- 3170 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
- 3171 (III) audio and video programming services delivered by a commercial mobile
- 3172 radio service provider as defined in 47 C.F.R. Sec. 20.3;
- 3173 (x) a value-added nonvoice data service; or
- 3174 (xi) tangible personal property.
- 3175 (142)(a) "Telecommunications service provider" means a person that:
- 3176 (i) owns, controls, operates, or manages a telecommunications service; and
- 3177 (ii) engages in an activity described in Subsection (142)(a)(i) for the shared use with

- 3178 or resale to any person of the telecommunications service.
- 3179 (b) A person described in Subsection (142)(a) is a telecommunications service provider
3180 whether or not the Public Service Commission of Utah regulates:
- 3181 (i) that person; or
3182 (ii) the telecommunications service that the person owns, controls, operates, or
3183 manages.
- 3184 (143)(a) "Telecommunications switching or routing equipment, machinery, or software"
3185 means an item listed in Subsection (143)(b) if that item is purchased or leased
3186 primarily for switching or routing:
- 3187 (i) an ancillary service;
3188 (ii) data communications;
3189 (iii) voice communications; or
3190 (iv) telecommunications service.
- 3191 (b) The following apply to Subsection (143)(a):
- 3192 (i) a bridge;
3193 (ii) a computer;
3194 (iii) a cross connect;
3195 (iv) a modem;
3196 (v) a multiplexer;
3197 (vi) plug in circuitry;
3198 (vii) a router;
3199 (viii) software;
3200 (ix) a switch; or
3201 (x) equipment, machinery, or software that functions similarly to an item listed in
3202 Subsections (143)(b)(i) through (ix) as determined by the commission by rule
3203 made in accordance with Subsection (143)(c).
- 3204 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3205 commission may by rule define what constitutes equipment, machinery, or software
3206 that functions similarly to an item listed in Subsections (143)(b)(i) through (ix).
- 3207 (144)(a) "Telecommunications transmission equipment, machinery, or software" means
3208 an item listed in Subsection (144)(b) if that item is purchased or leased primarily for
3209 sending, receiving, or transporting:
- 3210 (i) an ancillary service;
3211 (ii) data communications;

- 3212 (iii) voice communications; or
3213 (iv) telecommunications service.
- 3214 (b) The following apply to Subsection (144)(a):
- 3215 (i) an amplifier;
3216 (ii) a cable;
3217 (iii) a closure;
3218 (iv) a conduit;
3219 (v) a controller;
3220 (vi) a duplexer;
3221 (vii) a filter;
3222 (viii) an input device;
3223 (ix) an input/output device;
3224 (x) an insulator;
3225 (xi) microwave machinery or equipment;
3226 (xii) an oscillator;
3227 (xiii) an output device;
3228 (xiv) a pedestal;
3229 (xv) a power converter;
3230 (xvi) a power supply;
3231 (xvii) a radio channel;
3232 (xviii) a radio receiver;
3233 (xix) a radio transmitter;
3234 (xx) a repeater;
3235 (xxi) software;
3236 (xxii) a terminal;
3237 (xxiii) a timing unit;
3238 (xxiv) a transformer;
3239 (xxv) a wire; or
3240 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
3241 Subsections (144)(b)(i) through (xxv) as determined by the commission by rule
3242 made in accordance with Subsection (144)(c).
- 3243 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3244 commission may by rule define what constitutes equipment, machinery, or software
3245 that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv).

- 3246 (145)(a) "Textbook for a higher education course" means a textbook or other printed
3247 material that is required for a course:
- 3248 (i) offered by an institution of higher education; and
 - 3249 (ii) that the purchaser of the textbook or other printed material attends or will attend.
- 3250 (b) "Textbook for a higher education course" includes a textbook in electronic format.
- 3251 (146) "Tobacco" means:
- 3252 (a) a cigarette;
 - 3253 (b) a cigar;
 - 3254 (c) chewing tobacco;
 - 3255 (d) pipe tobacco; or
 - 3256 (e) any other item that contains tobacco.
- 3257 (147) "Unassisted amusement device" means an amusement device, skill device, or ride
3258 device that is started and stopped by the purchaser or renter of the right to use or operate
3259 the amusement device, skill device, or ride device.
- 3260 (148)(a) "Use" means the exercise of any right or power over tangible personal property,
3261 a product transferred electronically, or a service under Subsection 59-12-103(1),
3262 incident to the ownership or the leasing of that tangible personal property, product
3263 transferred electronically, or service.
- 3264 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
3265 property, a product transferred electronically, or a service in the regular course of
3266 business and held for resale.
- 3267 (149) "Value-added nonvoice data service" means a service:
- 3268 (a) that otherwise meets the definition of a telecommunications service except that a
3269 computer processing application is used to act primarily for a purpose other than
3270 conveyance, routing, or transmission; and
 - 3271 (b) with respect to which a computer processing application is used to act on data or
3272 information:
- 3273 (i) code;
 - 3274 (ii) content;
 - 3275 (iii) form; or
 - 3276 (iv) protocol.
- 3277 (150)(a) Subject to Subsection (150)(b), "vehicle" means the following that are required
3278 to be titled, registered, or titled and registered:
- 3279 (i) an aircraft as defined in Section 72-10-102;

- 3280 (ii) a vehicle as defined in Section 41-1a-102;
- 3281 (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 3282 (iv) a vessel as defined in Section 41-1a-102.
- 3283 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:
- 3284 (i) a vehicle described in Subsection (150)(a); or
- 3285 (ii)(A) a locomotive;
- 3286 (B) a freight car;
- 3287 (C) railroad work equipment; or
- 3288 (D) other railroad rolling stock.
- 3289 (151) "Vehicle dealer" means a person engaged in the business of buying, selling, or
- 3290 exchanging a vehicle as defined in Subsection (150).
- 3291 (152)(a) "Vertical service" means an ancillary service that:
- 3292 (i) is offered in connection with one or more telecommunications services; and
- 3293 (ii) offers an advanced calling feature that allows a customer to:
- 3294 (A) identify a caller; and
- 3295 (B) manage multiple calls and call connections.
- 3296 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
- 3297 conference bridging service.
- 3298 (153)(a) "Voice mail service" means an ancillary service that enables a customer to
- 3299 receive, send, or store a recorded message.
- 3300 (b) "Voice mail service" does not include a vertical service that a customer is required to
- 3301 have in order to utilize a voice mail service.
- 3302 (154)(a) "Waste energy facility" means a facility that generates electricity:
- 3303 (i) using as the primary source of energy waste materials that would be placed in a
- 3304 landfill or refuse pit if it were not used to generate electricity, including:
- 3305 (A) tires;
- 3306 (B) waste coal;
- 3307 (C) oil shale; or
- 3308 (D) municipal solid waste; and
- 3309 (ii) in amounts greater than actually required for the operation of the facility.
- 3310 (b) "Waste energy facility" does not include a facility that incinerates:
- 3311 (i) hospital waste as defined in 40 C.F.R. 60.51c; or
- 3312 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
- 3313 (155) "Watercraft" means a vessel as defined in Section 73-18-2.

3314 (156) "Wind energy" means wind used as the sole source of energy to produce electricity.

3315 (157) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic

3316 location by the United States Postal Service.

3317 Section 18. Section **59-12-103** is amended to read:

3318 **59-12-103 (Effective 07/01/26). Sales and use tax base -- Rates -- Effective dates**

3319 **-- Use of sales and use tax revenue.**

3320 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales
3321 price for amounts paid or charged for the following transactions:

3322 (a) retail sales of tangible personal property made within the state;

3323 (b) amounts paid for:

3324 (i) telecommunications service, other than mobile telecommunications service, that
3325 originates and terminates within the boundaries of this state;

3326 (ii) mobile telecommunications service that originates and terminates within the
3327 boundaries of one state only to the extent permitted by the Mobile

3328 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

3329 (iii) an ancillary service associated with a:

3330 (A) telecommunications service described in Subsection (1)(b)(i); or

3331 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

3332 (c) sales of the following for commercial use:

3333 (i) gas;

3334 (ii) electricity;

3335 (iii) heat;

3336 (iv) coal;

3337 (v) fuel oil; or

3338 (vi) other fuels;

3339 (d) sales of the following for residential use:

3340 (i) gas;

3341 (ii) electricity;

3342 (iii) heat;

3343 (iv) coal;

3344 (v) fuel oil; or

3345 (vi) other fuels;

3346 (e) sales of prepared food;

3347 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or

- 3348 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
3349 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
3350 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
3351 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
3352 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
3353 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
3354 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
3355 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
3356 activity;
- 3357 (g) amounts paid or charged for services for repairs or renovations of tangible personal
3358 property, unless Section 59-12-104 provides for an exemption from sales and use tax
3359 for:
- 3360 (i) the tangible personal property; and
- 3361 (ii) parts used in the repairs or renovations of the tangible personal property described
3362 in Subsection (1)(g)(i), regardless of whether:
- 3363 (A) any parts are actually used in the repairs or renovations of that tangible
3364 personal property; or
- 3365 (B) the particular parts used in the repairs or renovations of that tangible personal
3366 property are exempt from a tax under this chapter;
- 3367 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
3368 cleaning or washing of tangible personal property;
- 3369 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer
3370 court accommodations and services;
- 3371 (j) amounts paid or charged for laundry or dry cleaning services;
- 3372 (k) amounts paid or charged for leases or rentals of tangible personal property if within
3373 this state the tangible personal property is:
- 3374 (i) stored;
- 3375 (ii) used; or
- 3376 (iii) otherwise consumed;
- 3377 (l) amounts paid or charged for tangible personal property if within this state the tangible
3378 personal property is:
- 3379 (i) stored;
- 3380 (ii) used; or
- 3381 (iii) consumed;

- 3382 (m) amounts paid or charged for a sale:
- 3383 (i)(A) of a product transferred electronically; or
- 3384 (B) of a repair or renovation of a product transferred electronically; and
- 3385 (ii) regardless of whether the sale provides:
- 3386 (A) a right of permanent use of the product; or
- 3387 (B) a right to use the product that is less than a permanent use, including a right:
- 3388 (I) for a definite or specified length of time; and
- 3389 (II) that terminates upon the occurrence of a condition; and
- 3390 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 3391 state.
- 3392 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are
- 3393 imposed on a transaction described in Subsection (1) equal to the sum of:
- 3394 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 3395 (A) 4.70% [~~plus~~];
- 3396 ~~(B) the rate specified in Subsection [(11)(a)] (6)(a); and~~
- 3397 ~~[(B)] (C)[(F) the tax rate the state imposes in accordance with Part 18,~~
- 3398 ~~Additional State Sales and Use Tax Act, if the location of the transaction as~~
- 3399 ~~determined under Sections 59-12-211 through 59-12-215 is in a county in~~
- 3400 ~~which the state imposes the tax under Part 18, Additional State Sales and~~
- 3401 ~~Use Tax Act; and]~~
- 3402 ~~[(H)] the tax rate the state imposes in accordance with Part 20, Supplemental~~
- 3403 ~~State Sales and Use Tax Act, if the location of the transaction as determined~~
- 3404 ~~under Sections 59-12-211 through 59-12-215 is in a city, town, or the~~
- 3405 ~~unincorporated area of a county in which the state imposes the tax under~~
- 3406 ~~Part 20, Supplemental State Sales and Use Tax Act; and~~
- 3407 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 3408 transaction under this chapter other than this part.
- 3409 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
- 3410 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
- 3411 to the sum of:
- 3412 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 3413 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 3414 transaction under this chapter other than this part.
- 3415 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed

- 3416 on amounts paid or charged for food and food ingredients equal to the sum of:
- 3417 (i) a state tax imposed on the amounts paid or charged for food and food ingredients
- 3418 at a tax rate of 1.75%; and
- 3419 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 3420 amounts paid or charged for food and food ingredients under this chapter other
- 3421 than this part.
- 3422 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid
- 3423 or charged for fuel to a common carrier that is a railroad for use in a locomotive
- 3424 engine at a rate ~~[of 4.85%.]~~ equal to the sum of the rates described in Subsections
- 3425 (2)(a)(i)(A) and (2)(a)(i)(B).
- 3426 (e)(i)~~[(A) If a shared vehicle owner certifies to the commission, on a form~~
- 3427 ~~prescribed by the commission, that the shared vehicle is an individual-owned~~
- 3428 ~~shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to~~
- 3429 ~~car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle~~
- 3430 ~~owner.]~~
- 3431 (A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to
- 3432 car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle
- 3433 owner, for a car sharing or shared vehicle transaction if a shared vehicle owner
- 3434 certifies to the commission, on a form prescribed by the commission, that the
- 3435 shared vehicle is an individual-owned shared vehicle.
- 3436 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
- 3437 required once during the time that the shared vehicle owner owns the shared
- 3438 vehicle.
- 3439 (C) The commission shall verify that a shared vehicle is an individual-owned
- 3440 shared vehicle by verifying that the applicable Utah taxes imposed under this
- 3441 chapter were paid on the purchase of the shared vehicle.
- 3442 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
- 3443 individual-owned shared vehicle shared through a car-sharing program even if
- 3444 non-certified shared vehicles are also available to be shared through the same
- 3445 car-sharing program.
- 3446 (ii) A tax imposed under Subsection ~~[(2)(a)(i)(B)]~~ (2)(a)(i)(C) or (2)(a)(ii) applies to
- 3447 car sharing.
- 3448 (iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's
- 3449 representation that the shared vehicle is an individual-owned shared vehicle

- 3450 certified with the commission as described in Subsection (2)(e)(i).
- 3451 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
- 3452 representation that the shared vehicle is an individual-owned shared vehicle
- 3453 certified with the commission as described in Subsection (2)(e)(i), the
- 3454 car-sharing program is not liable for any tax, penalty, fee, or other sanction
- 3455 imposed on the shared vehicle owner.
- 3456 (iv) If all shared vehicles shared through a car-sharing program are certified as
- 3457 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
- 3458 no obligation to collect and remit the tax under ~~[Subsection (2)(a)(i)(A)]~~
- 3459 Subsections (2)(a)(i)(A) and (2)(a)(i)(B) for that tax period.
- 3460 (v) A car-sharing program is not required to list or otherwise identify an
- 3461 individual-owned shared vehicle on a return or an attachment to a return.
- 3462 (vi) A car-sharing program shall:
- 3463 (A) retain tax information for each car-sharing program transaction; and
- 3464 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
- 3465 commission at the commission's request.
- 3466 (f)(i) For a bundled transaction that is attributable to food and food ingredients and
- 3467 tangible personal property other than food and food ingredients, a state tax and a
- 3468 local tax is imposed on the entire bundled transaction equal to the sum of:
- 3469 (A) ~~[a state tax imposed on the entire bundled transaction equal to the sum of:]~~ the
- 3470 tax rates described in Subsection (2)(a)(i); and
- 3471 ~~[(I) the tax rate described in Subsection (2)(a)(i)(A); and]~~
- 3472 ~~[(H)(Aa) the tax rate the state imposes in accordance with Part 18,~~
- 3473 ~~Additional State Sales and Use Tax Act, if the location of the transaction~~
- 3474 ~~as determined under Sections 59-12-211 through 59-12-215 is in a~~
- 3475 ~~county in which the state imposes the tax under Part 18, Additional State~~
- 3476 ~~Sales and Use Tax Act; and]~~
- 3477 ~~[(Bb) the tax rate the state imposes in accordance with Part 20,~~
- 3478 ~~Supplemental State Sales and Use Tax Act, if the location of the~~
- 3479 ~~transaction as determined under Sections 59-12-211 through 59-12-215~~
- 3480 ~~is in a city, town, or the unincorporated area of a county in which the~~
- 3481 ~~state imposes the tax under Part 20, Supplemental State Sales and Use~~
- 3482 ~~Tax Act; and]~~
- 3483 (B) a local tax imposed on the entire bundled transaction at the sum of the tax

- 3484 rates described in Subsection (2)(a)(ii).
- 3485 (ii) If an optional computer software maintenance contract is a bundled transaction
3486 that consists of taxable and nontaxable products that are not separately itemized
3487 on an invoice or similar billing document, the purchase of the optional computer
3488 software maintenance contract is 40% taxable under this chapter and 60%
3489 nontaxable under this chapter.
- 3490 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
3491 transaction described in Subsection (2)(f)(i) or (ii):
- 3492 (A) if the sales price of the bundled transaction is attributable to tangible personal
3493 property, a product, or a service that is subject to taxation under this chapter
3494 and tangible personal property, a product, or service that is not subject to
3495 taxation under this chapter, the entire bundled transaction is subject to taxation
3496 under this chapter unless:
- 3497 (I) the seller is able to identify by reasonable and verifiable standards the
3498 tangible personal property, product, or service that is not subject to taxation
3499 under this chapter from the books and records the seller keeps in the seller's
3500 regular course of business; or
- 3501 (II) state or federal law provides otherwise; or
- 3502 (B) if the sales price of a bundled transaction is attributable to two or more items
3503 of tangible personal property, products, or services that are subject to taxation
3504 under this chapter at different rates, the entire bundled transaction is subject to
3505 taxation under this chapter at the higher tax rate unless:
- 3506 (I) the seller is able to identify by reasonable and verifiable standards the
3507 tangible personal property, product, or service that is subject to taxation
3508 under this chapter at the lower tax rate from the books and records the seller
3509 keeps in the seller's regular course of business; or
- 3510 (II) state or federal law provides otherwise.
- 3511 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
3512 seller's regular course of business includes books and records the seller keeps in
3513 the regular course of business for nontax purposes.
- 3514 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
3515 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
3516 personal property, a product, or a service that is subject to taxation under this
3517 chapter, and the sale, lease, or rental of tangible personal property, other property,

- 3518 a product, or a service that is not subject to taxation under this chapter, the entire
3519 transaction is subject to taxation under this chapter unless the seller, at the time of
3520 the transaction:
- 3521 (A) separately states the portion of the transaction that is not subject to taxation
3522 under this chapter on an invoice, bill of sale, or similar document provided to
3523 the purchaser; or
 - 3524 (B) is able to identify by reasonable and verifiable standards, from the books and
3525 records the seller keeps in the seller's regular course of business, the portion of
3526 the transaction that is not subject to taxation under this chapter.
- 3527 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 3528 (A) after the transaction occurs, the purchaser and the seller discover that the
3529 portion of the transaction that is not subject to taxation under this chapter was
3530 not separately stated on an invoice, bill of sale, or similar document provided
3531 to the purchaser because of an error or ignorance of the law; and
 - 3532 (B) the seller is able to identify by reasonable and verifiable standards, from the
3533 books and records the seller keeps in the seller's regular course of business, the
3534 portion of the transaction that is not subject to taxation under this chapter.
- 3535 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
3536 keeps in the seller's regular course of business includes books and records the
3537 seller keeps in the regular course of business for nontax purposes.
- 3538 (h)(i) If the sales price of a transaction is attributable to two or more items of tangible
3539 personal property, products, or services that are subject to taxation under this
3540 chapter at different rates, the entire purchase is subject to taxation under this
3541 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 3542 (A) separately states the items subject to taxation under this chapter at each of the
3543 different rates on an invoice, bill of sale, or similar document provided to the
3544 purchaser; or
 - 3545 (B) is able to identify by reasonable and verifiable standards the tangible personal
3546 property, product, or service that is subject to taxation under this chapter at the
3547 lower tax rate from the books and records the seller keeps in the seller's regular
3548 course of business.
- 3549 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
3550 seller's regular course of business includes books and records the seller keeps in
3551 the regular course of business for nontax purposes.

- 3552 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
 3553 imposed under the following shall take effect on the first day of a calendar quarter:
- 3554 (i) Subsection (2)(a)(i)(A);
 3555 ~~(ii)~~ (ii) Subsection (2)(a)(i)(B);
 3556 ~~[(iii)]~~ (iii) Subsection (2)(b)(i);
 3557 ~~[(iii)]~~ (iv) Subsection (2)(c)(i); or
 3558 ~~[(iv)]~~ (v) Subsection (2)(f)(i)(A)~~[(F)]~~.
- 3559 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
 3560 begins on or after the effective date of the tax rate increase if the billing period for
 3561 the transaction begins before the effective date of a tax rate increase imposed
 3562 under:
- 3563 (A) Subsection (2)(a)(i)(A);
 3564 (B) Subsection (2)(a)(i)(B);
 3565 ~~[(B)]~~ (C) Subsection (2)(b)(i);
 3566 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
 3567 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(F)]~~.
- 3568 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
 3569 statement for the billing period is rendered on or after the effective date of the
 3570 repeal of the tax or the tax rate decrease imposed under:
- 3571 (A) Subsection (2)(a)(i)(A);
 3572 (B) Subsection (2)(a)(i)(B);
 3573 ~~[(B)]~~ (C) Subsection (2)(b)(i);
 3574 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
 3575 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(F)]~~.
- 3576 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
 3577 is computed on the basis of sales and use tax rates published in the catalogue, a
 3578 tax rate repeal or change in a tax rate takes effect:
- 3579 (A) on the first day of a calendar quarter; and
 3580 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
 3581 change.
- 3582 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 3583 (A) Subsection (2)(a)(i)(A);
 3584 (B) Subsection (2)(a)(i)(B);
 3585 ~~[(B)]~~ (C) Subsection (2)(b)(i);

- 3586 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
 3587 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3588 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 3589 the commission may by rule define the term "catalogue sale."
- 3590 (1)(i) For a location described in Subsection (2)(1)(ii), the commission shall determine
 3591 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel
 3592 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other
 3593 fuel at the location.
- 3594 (ii) Subsection (2)(1)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 3595 or other fuel is furnished through a single meter for two or more of the following
 3596 uses:
 3597 (A) a commercial use;
 3598 (B) an industrial use; or
 3599 (C) a residential use.
- 3600 (3)(a) The commission shall deposit the following state taxes ~~[shall be deposited]~~ into
 3601 the General Fund:
 3602 (i) the tax imposed by Subsection (2)(a)(i)(A);
 3603 (ii) the tax imposed by Subsection (2)(b)(i);
 3604 (iii) the tax imposed by Subsection (2)(c)(i);~~[-and]~~
 3605 (iv) the tax imposed by Subsection (2)(d); and
 3606 ~~[(iv)]~~ (v) the tax imposed by Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3607 (b) The commission shall distribute the following local taxes ~~[shall be distributed]~~ to a
 3608 county, city, or town as provided in this chapter:
 3609 (i) the tax imposed by Subsection (2)(a)(ii);
 3610 (ii) the tax imposed by Subsection (2)(b)(ii);
 3611 (iii) the tax imposed by Subsection (2)(c)(ii); and
 3612 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 3613 ~~[(e) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.]~~
- 3614 ~~[(4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,~~
 3615 ~~2003, the lesser of the following amounts shall be expended as provided in~~
 3616 ~~Subsections (4)(b) through (g):]~~
 3617 ~~[(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:]~~
 3618 ~~[(A) by a 1/16% tax rate on the transactions described in Subsection (1); and]~~
 3619 ~~[(B) for the fiscal year; or]~~

3620 [(ii) \$17,500,000.]

3621 [(b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

3622 described in Subsection (4)(a) shall be transferred each year as designated sales

3623 and use tax revenue to the Division of Wildlife Resources to:]

3624 [(A) implement the measures described in Subsections 23A-3-214(3)(a) through

3625 (d) to protect sensitive plant and animal species; or]

3626 [(B) award grants, up to the amount authorized by the Legislature in an

3627 appropriations act, to political subdivisions of the state to implement the

3628 measures described in Subsections 23A-3-214(3)(a) through (d) to protect

3629 sensitive plant and animal species.]

3630 [(ii) Money transferred to the Division of Wildlife Resources under Subsection

3631 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or

3632 any other person to list or attempt to have listed a species as threatened or

3633 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et

3634 seq.]

3635 [(iii) At the end of each fiscal year:]

3636 [(A) 50% of any unexpended designated sales and use tax revenue shall lapse to

3637 the Water Resources Conservation and Development Fund created in Section

3638 73-10-24;]

3639 [(B) 25% of any unexpended designated sales and use tax revenue shall lapse to

3640 the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5;

3641 and]

3642 [(C) 25% of any unexpended designated sales and use tax revenue shall lapse to

3643 the Drinking Water Loan Program Subaccount created in Section 73-10c-5.]

3644 [(e) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

3645 Subsection (4)(a) shall be deposited each year in the Agriculture Resource

3646 Development Fund created in Section 4-18-106.]

3647 [(d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount

3648 described in Subsection (4)(a) shall be transferred each year as designated sales

3649 and use tax revenue to the Division of Water Rights to cover the costs incurred in

3650 hiring legal and technical staff for the adjudication of water rights.]

3651 [(ii) At the end of each fiscal year:]

3652 [(A) 50% of any unexpended designated sales and use tax revenue shall lapse to

3653 the Water Resources Conservation and Development Fund created in Section

3654 73-10-24;]

3655 [(B) 25% of any unexpended designated sales and use tax revenue shall lapse to

3656 the Utah Wastewater Loan Program Subaccount created in Section 73-10e-5;

3657 and]

3658 [(C) 25% of any unexpended designated sales and use tax revenue shall lapse to

3659 the Drinking Water Loan Program Subaccount created in Section 73-10e-5.]

3660 [(e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount

3661 described in Subsection (4)(a) shall be deposited into the Water Resources

3662 Conservation and Development Fund created in Section 73-10-24 for use by the

3663 Division of Water Resources.]

3664 [(ii) In addition to the uses allowed of the Water Resources Conservation and

3665 Development Fund under Section 73-10-24, the Water Resources Conservation

3666 and Development Fund may also be used to:]

3667 [(A) conduct hydrologic and geotechnical investigations by the Division of Water

3668 Resources in a cooperative effort with other state, federal, or local entities, for

3669 the purpose of quantifying surface and ground water resources and describing

3670 the hydrologic systems of an area in sufficient detail so as to enable local and

3671 state resource managers to plan for and accommodate growth in water use

3672 without jeopardizing the resource;]

3673 [(B) fund state required dam safety improvements; and]

3674 [(C) protect the state's interest in interstate water compact allocations, including

3675 the hiring of technical and legal staff.]

3676 [(f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described

3677 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program

3678 Subaccount created in Section 73-10e-5 for use by the Water Quality Board to fund

3679 wastewater projects.]

3680 [(g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described

3681 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program

3682 Subaccount created in Section 73-10e-5 for use by the Division of Drinking Water to:]

3683 [(i) provide for the installation and repair of collection, treatment, storage, and

3684 distribution facilities for any public water system, as defined in Section 19-4-102;]

3685 [(ii) develop underground sources of water, including springs and wells; and]

3686 [(iii) develop surface water sources.]

3687 (4)(a) Notwithstanding Subsection (3)(a), for each fiscal year the commission shall make

- 3688 the deposits described in Subsections (4)(b) through (4)(h) from the revenue from the
3689 taxes imposed by:
- 3690 (i) Subsection (2)(a)(i)(A);
3691 (ii) Subsection (2)(b)(i);
3692 (iii) Subsection (2)(c)(i); and
3693 (iv) Subsection (2)(f)(i)(A).
- 3694 (b) The commission shall deposit 15% of the difference between 1.4543% of the
3695 revenue described in Subsection (4)(a) and the deposits made under Subsection (5)(b),
3696 into the Water Rights Restricted Account created in Section 73-2-1.6.
- 3697 (c) The commission shall deposit 85% of the difference between 1.4543% of the revenue
3698 described in Subsection (4)(a) and the deposits made under Subsection (5)(b), into
3699 the Water Resources Conservation and Development Fund created in Section
3700 73-10-24 for use by the Division of Water Resources for:
- 3701 (i) preconstruction costs:
- 3702 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
3703 Chapter 26, Bear River Development Act; and
- 3704 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
3705 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 3706 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
3707 73, Chapter 26, Bear River Development Act;
- 3708 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
3709 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
3710 Act; and
- 3711 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
3712 Subsection (5)(b)(iv)(B) after funding the uses specified in Subsections (4)(c)(i)
3713 through (iii).
- 3714 (d) The commission shall deposit 1.4543% of the revenue described in Subsection (4)(a)
3715 into the Water Infrastructure Restricted Account created in Section 73-10g-103.
- 3716 (e)(i) Subject to Subsection (4)(e)(ii), the commission shall deposit 19.24% of the
3717 revenue described in Subsection (4)(a) into the Transportation Investment Fund of
3718 2005 created in Section 72-2-124.
- 3719 (ii) The commission shall annually reduce the deposit described in Subsection
3720 (4)(e)(i) by the sum of:
- 3721 (A) \$1,813,400;

- 3722 (B) the earmark described in Subsection (5)(c); and
- 3723 (C) an amount equal to 35% of the revenue generated in the current fiscal year by
- 3724 the portion of the tax imposed on motor and special fuel that is sold, used, or
- 3725 received in the state that exceeds 29.4 cents per gallon.
- 3726 (iii) The amount described in Subsection (4)(e)(ii)(C) shall be annually deposited into
- 3727 the Transit Transportation Investment Fund created in Section 72-2-124.
- 3728 (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into
- 3729 the Cottonwood Canyons Transportation Investment Fund created in Section
- 3730 72-2-124.
- 3731 (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into
- 3732 the Commuter Rail Subaccount created in Section 72-2-124.
- 3733 (h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into
- 3734 the Outdoor Recreation Adventure Infrastructure Restricted Account created in
- 3735 Section 51-9-902.
- 3736 ~~[(5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,~~
- 3737 ~~2006, the difference between the following amounts shall be expended as provided in~~
- 3738 ~~this Subsection (5), if that difference is greater than \$1:]~~
- 3739 ~~[(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for~~
- 3740 ~~the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);~~
- 3741 ~~and]~~
- 3742 ~~[(ii) \$17,500,000.]~~
- 3743 ~~[(b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:]~~
- 3744 ~~[(A) transferred each fiscal year to the Department of Natural Resources as~~
- 3745 ~~designated sales and use tax revenue; and]~~
- 3746 ~~[(B) expended by the Department of Natural Resources for watershed~~
- 3747 ~~rehabilitation or restoration.]~~
- 3748 ~~[(ii) At the end of each fiscal year, 100% of any unexpended designated sales and use~~
- 3749 ~~tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources~~
- 3750 ~~Conservation and Development Fund created in Section 73-10-24.]~~
- 3751 ~~[(c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the~~
- 3752 ~~remaining difference described in Subsection (5)(a) shall be:]~~
- 3753 ~~[(A) transferred each fiscal year to the Division of Water Resources as designated~~
- 3754 ~~sales and use tax revenue; and]~~
- 3755 ~~[(B) expended by the Division of Water Resources for cloud-seeding projects~~

3756 authorized by Title 73, Chapter 15, Modification of Weather.]

3757 [(ii) ~~At the end of each fiscal year, 100% of any unexpended designated sales and use~~

3758 ~~tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources~~

3759 ~~Conservation and Development Fund created in Section 73-10-24.]~~

3760 [(d) ~~After making the transfers required by Subsections (5)(b) and (c), 85% of the~~

3761 ~~remaining difference described in Subsection (5)(a) shall be deposited into the Water~~

3762 ~~Resources Conservation and Development Fund created in Section 73-10-24 for use~~

3763 ~~by the Division of Water Resources for:]~~

3764 [(i) ~~preconstruction costs:]~~

3765 [~~(A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,~~

3766 ~~Chapter 26, Bear River Development Act; and]~~

3767 [~~(B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project~~

3768 ~~authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;]~~

3769 [(ii) ~~the cost of employing a civil engineer to oversee any project authorized by Title~~

3770 ~~73, Chapter 26, Bear River Development Act;]~~

3771 [(iii) ~~the cost of employing a civil engineer to oversee the Lake Powell Pipeline~~

3772 ~~project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development~~

3773 ~~Act; and]~~

3774 [(iv) ~~other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and~~

3775 ~~Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)~~

3776 ~~through (iii).]~~

3777 [(e) ~~After making the transfers required by Subsections (5)(b) and (c), 15% of the~~

3778 ~~remaining difference described in Subsection (5)(a) shall be deposited each year into~~

3779 ~~the Water Rights Restricted Account created by Section 73-2-1.6.]~~

3780 (5)(a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make

3781 the deposits described in this Subsection (5).

3782 (b)(i)(A) The commission shall deposit \$500,000 to the Department of Natural

3783 Resources to be used for watershed rehabilitation or restoration.

3784 (B) At the end of each fiscal year, 100% of any unexpended amount described in

3785 Subsection (5)(b)(i)(A) shall lapse into the Water Resources Conservation and

3786 Development Fund created in Section 73-10-24.

3787 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for

3788 cloud-seeding projects authorized by Title 73, Chapter 15, Modification of

3789 Weather.

- 3790 (iii) The commission shall deposit \$525,000 into the Division of Conservation
3791 created in Section 4-46-401 to implement water related programs.
- 3792 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation
3793 and Development Fund created in Section 73-10-24 for use by the Division of
3794 Water Resources for:
- 3795 (A) the uses allowed of the Water Resources Conservation and Development Fund
3796 under Section 73-10-24;
- 3797 (B) to conduct hydrologic and geotechnical investigations by the Division of
3798 Water Resources in a cooperative effort with other state, federal, or local
3799 entities, for the purpose of quantifying surface and ground water resources and
3800 describing the hydrologic systems of an area in sufficient detail so as to enable
3801 local and state resource managers to plan for and accommodate growth in
3802 water use without jeopardizing the resource;
- 3803 (C) to fund state required dam safety improvements; and
- 3804 (D) to protect the states interest in interstate water compact allocations, including
3805 the hiring of technical and legal staff.
- 3806 (v) The commission shall deposit \$3,587,500 into the Utah Wastewater Loan
3807 Program Subaccount created in Section 73-10c-5 for use by the Water Quality
3808 Board to fund wastewater projects.
- 3809 (vi) The commission shall deposit \$3,587,500 into the Drinking Water Loan Program
3810 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water
3811 to:
- 3812 (A) provide for the installation and repair of collection, treatment, storage, and
3813 distribution facilities for any public water system, as defined in Section
3814 19-4-102;
- 3815 (B) develop underground sources of water, including springs and wells; and
3816 (C) develop surface water sources.
- 3817 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources
3818 to:
- 3819 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
3820 (d) to protect sensitive plant and animal species; or
- 3821 (B) award grants, up to the amount authorized by the Legislature in an
3822 appropriations act, to political subdivisions of the state to implement the
3823 measures described in Subsections 23A-3-214(3)(a) through (d) to protect

- 3824 sensitive plant and animal species.
- 3825 (viii) Funds transferred to the Division of Wildlife Resources under Subsection
- 3826 (5)(b)(vii)(A) may not be used to assist the United States Fish and Wildlife
- 3827 Service or any other person to list or attempt to have listed a species as threatened
- 3828 or endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et
- 3829 seq.
- 3830 (ix) At the end of each fiscal year, any unexpended amounts described in Subsections
- 3831 (5)(b)(vii)(A) and (B) shall lapse:
- 3832 (A) 50% into the Water Resources Conservation and Development Fund created
- 3833 in Section 73-10-24;
- 3834 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section
- 3835 73-10c-5; and
- 3836 (C) 25% into the Drinking Water Loan Program Subaccount created in Section
- 3837 73-10c-5.
- 3838 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover
- 3839 the costs incurred in hiring legal and technical staff for the adjudication of water
- 3840 rights.
- 3841 (xi) At the end of each fiscal year any unexpended amounts described in Subsection
- 3842 (5)(b)(x) shall lapse:
- 3843 (A) 50% into the Water Resources Conservation and Development Fund created
- 3844 in Section 73-10-24;
- 3845 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section
- 3846 73-10c-5; and
- 3847 (C) 25% into the Drinking Water Loan Program Subaccount created in Section
- 3848 73-10c-5.
- 3849 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment
- 3850 Fund created in Section 72-2-124.
- 3851 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food
- 3852 Agencies Fund created by and expended in accordance with Section 35A-8-1009.
- 3853 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit
- 3854 for the sole use of the Search and Rescue Financial Assistance Program created by
- 3855 and to be expended in accordance with, Title 53, Chapter 2a, Part 11, Search and
- 3856 Rescue Act.
- 3857 [(6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each

3858 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
 3859 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
 3860 rate on the transactions described in Subsection (1) for the fiscal year.]

3861 [(7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and
 3862 (d), for a fiscal year beginning on or after July 1, 2023, the commission shall deposit
 3863 into the Transportation Investment Fund of 2005 created by Section 72-2-124 a
 3864 portion of the taxes listed under Subsection (3)(a) equal to 17% of the revenue
 3865 collected from the following sales and use taxes:]

3866 [(i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]

3867 [(ii) the tax imposed by Subsection (2)(b)(i);]

3868 [(iii) the tax imposed by Subsection (2)(c)(i); and]

3869 [(iv) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3870 [(b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
 3871 annually reduce the deposit under Subsection (7)(a) into the Transportation
 3872 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
 3873 from the following sales and use taxes:]

3874 [(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]

3875 [(B) the tax imposed by Subsection (2)(b)(i);]

3876 [(C) the tax imposed by Subsection (2)(c)(i); and]

3877 [(D) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3878 [(ii) The commission shall annually deposit the amount described in Subsection
 3879 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in
 3880 Section 72-2-124.]

3881 [(c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
 3882 2023, the commission shall annually reduce the deposit into the Transportation
 3883 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is
 3884 equal to 5% of:]

3885 [(A) the amount of revenue generated in the current fiscal year by the portion of
 3886 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue
 3887 collected from taxes described in Subsections (7)(a)(i) through (iv);]

3888 [(B) the amount of revenue generated in the current fiscal year by registration fees
 3889 designated under Section 41-1a-1201 to be deposited into the Transportation
 3890 Investment Fund of 2005; and]

3891 [(C) revenue transferred by the Division of Finance to the Transportation

3892 Investment Fund of 2005 in accordance with Section 72-2-106 in the current
3893 fiscal year.]

3894 [(ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
3895 given fiscal year.]

3896 [(iii) The commission shall annually deposit the amount described in Subsection
3897 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection
3898 72-2-124(11).]

3899 [(d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
3900 annually reduce the deposit into the Transportation Investment Fund of 2005
3901 under this Subsection (7) by an amount that is equal to 1% of the revenue
3902 collected from the following sales and use taxes:]

3903 [(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]

3904 [(B) the tax imposed by Subsection (2)(b)(i);]

3905 [(C) the tax imposed by Subsection (2)(c)(i); and]

3906 [(D) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3907 [(ii) The commission shall annually deposit the amount described in Subsection
3908 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.]

3909 [(8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
3910 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year
3911 beginning on or after July 1, 2018, the commission shall annually deposit into the
3912 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the
3913 taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue
3914 collected from the following taxes:]

3915 [(i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]

3916 [(ii) the tax imposed by Subsection (2)(b)(i);]

3917 [(iii) the tax imposed by Subsection (2)(c)(i); and]

3918 [(iv) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3919 [(b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
3920 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
3921 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
3922 current fiscal year by the portion of the tax imposed on motor and special fuel that is
3923 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.]

3924 [(c) The commission shall annually deposit the amount described in Subsection (8)(b)
3925 into the Transit Transportation Investment Fund created in Section 72-2-124.]

- 3926 ~~[(9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year~~
 3927 ~~2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies~~
 3928 ~~Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.]~~
- 3929 ~~[(10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal~~
 3930 ~~year during which the commission receives notice under Section 63N-2-510 that~~
 3931 ~~construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the~~
 3932 ~~commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the~~
 3933 ~~revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact~~
 3934 ~~Mitigation Fund, created in Section 63N-2-512.]~~
- 3935 ~~[(11)]~~ (6)(a) The rate specified in this ~~[subsection]~~ Subsection (6) is 0.15%.
- 3936 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
 3937 on or after July 1, 2019, annually transfer the amount of revenue collected from the
 3938 rate described in Subsection ~~[(11)(a)]~~ (6)(a) on the transactions that are subject to the
 3939 sales and use tax under Subsection ~~[(2)(a)(i)(A)]~~ (2)(a)(i)(B) into the Medicaid ACA
 3940 Fund created in Section 26B-1-315.
- 3941 ~~[(12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year~~
 3942 ~~2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated~~
 3943 ~~credit solely for use of the Search and Rescue Financial Assistance Program created in,~~
 3944 ~~and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.]~~
- 3945 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
 3946 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
 3947 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~
- 3948 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
 3949 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the~~
 3950 ~~commission shall transfer the total revenue deposited into the Transportation~~
 3951 ~~Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the~~
 3952 ~~General Fund.]~~
- 3953 ~~[(14)]~~ (7) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
 3954 beginning the first day of the calendar quarter one year after the sales and use tax
 3955 boundary for a housing and transit reinvestment zone is established, the commission, at
 3956 least annually, shall transfer an amount equal to 15% of the sales and use tax increment
 3957 within an established sales and use tax boundary, as defined in Section 63N-3-602, into
 3958 the Transit Transportation Investment Fund created in Section 72-2-124.
- 3959 ~~[(15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning~~

3960 on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted
 3961 Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
 3962 (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:]
 3963 [(a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]
 3964 [(b) the tax imposed by Subsection (2)(b)(i);]
 3965 [(c) the tax imposed by Subsection (2)(c)(i); and]
 3966 [(d) the tax imposed by Subsection (2)(f)(i)(A)(I).]
 3967 [(16)] (8) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission
 3968 shall transfer to the Utah Fairpark Area Investment and Restoration District, created in
 3969 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
 3970 (2)(a)(i)(A)[at a 4.7% rate], on transactions occurring within the district sales tax area,
 3971 as defined in Section 11-70-101.

3972 [(17)] (9)(a) As used in this Subsection [(17)] (9):

3973 (i) "Additional land" means point of the mountain state land described in Subsection
 3974 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
 3975 the mountain authority provides the commission a map under Subsection [(17)(c)]
 3976 (9)(c).

3977 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
 3978 Authority, created in Section 11-59-201.

3979 (iii) "Point of the mountain state land" means the same as that term is defined in
 3980 Section 11-59-102.

3981 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
 3982 mountain authority 50% of the revenue from the sales and use tax imposed by
 3983 Subsection (2)(a)(i)(A)[at a 4.7% rate], on transactions occurring on the point of the
 3984 mountain state land.

3985 (c) The distribution under Subsection [(17)(b)] (9)(b) shall begin the next calendar
 3986 quarter that begins at least 90 days after the point of the mountain authority provides
 3987 the commission a map that:

3988 (i) accurately describes the point of the mountain state land; and
 3989 (ii) the point of the mountain authority certifies as accurate.

3990 (d) A distribution under Subsection [(17)(b)] (9)(b) with respect to additional land shall
 3991 begin the next calendar quarter that begins at least 90 days after the point of the
 3992 mountain authority provides the commission a map of point of the mountain state
 3993 land that:

- 3994 (i) accurately describes the point of the mountain state land, including the additional
3995 land; and
- 3996 (ii) the point of the mountain authority certifies as accurate.
- 3997 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
3998 distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (9)(b),
3999 the point of the mountain authority shall immediately notify the commission in
4000 writing that the bonds are paid in full.
- 4001 (ii) The commission shall discontinue distributions of sales and use tax revenue under
4002 Subsection [~~(17)(b)~~] (9)(b) at the beginning of the calendar quarter that begins at
4003 least 90 days after the date that the commission receives the written notice under
4004 Subsection [~~(17)(e)(i)~~] (9)(e)(i).
- 4005 (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in
4006 Section 63N-2-503.5 is deposited into the Convention Incentive Fund created in Section
4007 63N-2-503.5.
- 4008 Section 19. Section **59-12-104.2** is amended to read:
- 4009 **59-12-104.2 (Effective 07/01/26). Exemption for accommodations and services**
4010 **taxed by the Navajo Nation.**
- 4011 (1) As used in this section "tribal taxing area" means the geographical area that:
- 4012 (a) is subject to the taxing authority of the Navajo Nation; and
- 4013 (b) consists of:
- 4014 (i) notwithstanding the issuance of a patent, all land:
- 4015 (A) within the limits of an Indian reservation under the jurisdiction of the federal
4016 government; and
- 4017 (B) including any rights-of-way running through the reservation; and
- 4018 (ii) all Indian allotments the Indian titles to which have not been extinguished,
4019 including any rights-of-way running through an Indian allotment.
- 4020 (2)(a) Beginning July 1, 2001, amounts paid by or charged to a purchaser for
4021 accommodations and services described in Subsection 59-12-103(1)(i) are exempt
4022 from the tax imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~]
4023 Subsections 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A) to the
4024 extent permitted under Subsection (2)(b) if:
- 4025 (i) the accommodations and services described in Subsection 59-12-103(1)(i) are
4026 provided within:
- 4027 (A) the state; and

- 4028 (B) a tribal taxing area;
- 4029 (ii) the Navajo Nation imposes and collects a tax on the amounts paid by or charged
- 4030 to the purchaser for the accommodations and services described in Subsection
- 4031 59-12-103(1)(i);
- 4032 (iii) the Navajo Nation imposes the tax described in Subsection (2)(a)(ii) without
- 4033 regard to whether or not the purchaser that pays or is charged for the
- 4034 accommodations and services is an enrolled member of the Navajo Nation; and
- 4035 (iv) the requirements of Subsection (4) are met.
- 4036 (b) If but for Subsection (2)(a) the amounts paid by or charged to a purchaser for
- 4037 accommodations and services described in Subsection (2)(a) are subject to a tax
- 4038 imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~] Subsections
- 4039 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A):
- 4040 (i) the seller shall collect and pay to the state the difference described in Subsection
- 4041 (3) if that difference is greater than \$0; and
- 4042 (ii) a person may not require the state to provide a refund, a credit, or similar tax
- 4043 relief if the difference described in Subsection (3) is equal to or less than \$0.
- 4044 (3) The difference described in Subsection (2)(b) is equal to the difference between:
- 4045 (a) the amount of tax imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~]
- 4046 Subsections 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A) on
- 4047 the amounts paid by or charged to a purchaser for accommodations and services
- 4048 described in Subsection 59-12-103(1)(i); less
- 4049 (b) the tax imposed and collected by the Navajo Nation on the amounts paid by or
- 4050 charged to a purchaser for the accommodations and services described in Subsection
- 4051 59-12-103(1)(i).
- 4052 (4)(a) If, on or after July 1, 2001, the Navajo Nation changes the tax rate of a tax
- 4053 imposed on amounts paid by or charged to a purchaser for accommodations and
- 4054 services described in Subsection 59-12-103(1)(i), any change in the amount of the
- 4055 exemption under Subsection (2) as a result of the change in the tax rate is not
- 4056 effective until the first day of the calendar quarter after a 90-day period beginning on
- 4057 the date the commission receives notice meeting the requirements of Subsection
- 4058 (4)(b) from the Navajo Nation.
- 4059 (b) The notice described in Subsection (4)(a) shall state:
- 4060 (i) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
- 4061 amounts paid by or charged to a purchaser for accommodations and services

- 4062 described in Subsection 59-12-103(1)(i);
 4063 (ii) the effective date of the rate change on the tax described in Subsection (4)(b)(i);
 4064 and
 4065 (iii) the new rate of the tax described in Subsection (4)(b)(i).

4066 Section 20. Section **59-12-1201** is amended to read:

4067 **59-12-1201 (Effective 07/01/26). Motor vehicle rental tax -- Rate -- Exemptions --**
 4068 **Administration, collection, and enforcement of tax -- Administrative charge -- Deposits.**

4069 (1) As used in this section:

- 4070 (a) "Fairpark district board" means the board of the fairpark district.
 4071 (b) "Fairpark district" means the Utah Fairpark Area Investment and Restoration
 4072 District, created in Section 11-70-201.
 4073 (c) "Franchise agreement date" means the same as that term is defined in Section
 4074 11-70-101.
 4075 (d) "Stadium contribution" means the same as that term is defined in Section 11-70-101.
 4076 (e) "Transition date" means the first day of the calendar quarter that begins at least 90
 4077 days after the fairpark district board delivers to the commission the certificate
 4078 described in Subsection (2)(a)(ii)(B).

4079 (2)(a)(i) Except as provided in Subsections (4) and (5), there is imposed a tax of 2.5%
 4080 on all short-term rentals of motor vehicles.

4081 (ii)(A) In addition to the tax imposed under Subsection (2)(a)(i) and except as
 4082 provided in Subsections (4) and (5), beginning on the transition date there is
 4083 imposed a tax of 1.5% on all short-term leases and rentals of motor vehicles
 4084 not exceeding 30 days.

4085 (B) After the franchise agreement date, the fairpark district board shall deliver to
 4086 the commission a certificate verifying the execution of a franchise agreement,
 4087 as defined in Section 11-70-101, and providing the franchise agreement date.

4088 (C) A tax under this Subsection (2)(a)(ii) is imposed only if the franchise
 4089 agreement date is on or before June 30, 2032.

4090 (b) The tax imposed in this section is in addition to all other state, county, or municipal
 4091 fees and taxes imposed on rentals of motor vehicles.

4092 (3)(a) Subject to Subsection (3)(b), a tax rate repeal or tax rate change for the tax
 4093 imposed under Subsection (2) shall take effect on the first day of a calendar quarter.

4094 (b)(i) For a transaction subject to a tax under Subsection (2), a tax rate increase shall
 4095 take effect on the first day of the first billing period:

- 4096 (A) that begins after the effective date of the tax rate increase; and
 4097 (B) if the billing period for the transaction begins before the effective date of a tax
 4098 rate increase imposed under Subsection (2).
- 4099 (ii) For a transaction subject to a tax under Subsection (2), the repeal of a tax or a tax
 4100 rate decrease shall take effect on the first day of the last billing period:
 4101 (A) that began before the effective date of the repeal of the tax or the tax rate
 4102 decrease; and
 4103 (B) if the billing period for the transaction begins before the effective date of the
 4104 repeal of the tax or the tax rate decrease imposed under Subsection [~~(1)~~] (2).
- 4105 (4) A tax imposed under this section applies at the same rate to car sharing of less than 30
 4106 days, except for car sharing for the purpose of temporarily replacing a person's motor
 4107 vehicle that is being repaired pursuant to a repair or an insurance agreement.
- 4108 (5) A motor vehicle is exempt from the tax imposed under this section if:
 4109 (a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;
 4110 (b) the motor vehicle is rented as a personal household goods moving van; or
 4111 (c) the lease or rental of the motor vehicle is made for the purpose of temporarily
 4112 replacing a person's motor vehicle that is being repaired pursuant to a repair
 4113 agreement or an insurance agreement.
- 4114 (6)(a)(i) The tax authorized under this section shall be administered, collected, and
 4115 enforced in accordance with:
 4116 (A) the same procedures used to administer, collect, and enforce the tax under Part
 4117 1, Tax Collection; and
 4118 (B) Chapter 1, General Taxation Policies.
- 4119 (ii) Notwithstanding Subsection [~~(5)(a)(i)~~] (6)(a)(i), a tax under this part is not subject
 4120 to Subsections 59-12-103(4) through [~~(9)~~] (10) or Section 59-12-107.1 or
 4121 59-12-123.
- 4122 (b) The commission shall retain and deposit an administrative charge in accordance with
 4123 Section 59-1-306 from the revenue the commission collects from a tax under this part.
- 4124 (c) Except as provided under Subsections (6)(b) and (d):
 4125 (i) the commission shall deposit daily with the state treasurer all revenue received
 4126 under this section; and
 4127 (ii) the state treasurer shall credit monthly all revenue received under this section to
 4128 the Marda Dillree Corridor Preservation Fund under Section 72-2-117.
- 4129 (d)(i) Subject to Subsection (6)(d)(iii), all revenue received by the commission under

- 4130 Subsection (2)(a)(ii) shall be paid to the fairpark district.
- 4131 (ii) Within 10 days after the fairpark district completes payment of the stadium
4132 contribution, the fairpark district board shall deliver to the commission a written
4133 statement verifying that the fairpark district has completed payment of the stadium
4134 contribution.
- 4135 (iii) Upon receipt of the written statement under Subsection (6)(d)(ii), the
4136 commission shall:
- 4137 (A) discontinue collecting revenue under Subsection (2)(a)(ii), beginning the first
4138 day of the calendar quarter that is at least 90 days after the commission's
4139 receipt of the written statement;
- 4140 (B) discontinue distributing revenue under Subsection (2)(a)(ii) to the fairpark
4141 district, beginning the first day of the calendar quarter that is at least 90 days
4142 after the commission's receipt of the written statement; and
- 4143 (C) notify the Executive Appropriations Committee of the Legislature that the
4144 commission is discontinuing collecting and distributing revenue under
4145 Subsection (2)(a)(ii).

4146 Section 21. Section **63N-2-510** is amended to read:

4147 **63N-2-510 (Effective 07/01/26). Report by office -- Posting of report.**

- 4148 (1) The office shall include the following information in the office's annual written report
4149 described in Section 63N-1a-306:
- 4150 (a) the state's success in attracting new conventions and corresponding new state
4151 revenue;
- 4152 (b) the estimated amount of convention incentive commitments and the associated
4153 calculation made by the office and the period of time over which convention
4154 incentives are expected to be paid;
- 4155 (c) the economic impact on the state related to generating new state revenue and
4156 providing convention incentives; and
- 4157 (d) the estimated and actual costs and economic benefits of the convention incentive
4158 commitments that the office made.
- 4159 (2) Upon the commencement of the construction of a qualified hotel, the office shall send a
4160 written notice to the Division of Finance[;]
- 4161 [~~(a) referring to the two annual deposits required under Subsection 59-12-103(10); and~~]
4162 [~~(b)~~] _notifying the Division of Finance that construction on the qualified hotel has
4163 begun.

- 4164 Section 22. Section **63N-2-512** is amended to read:
- 4165 **63N-2-512 (Effective 07/01/26). Hotel Impact Mitigation Fund.**
- 4166 (1) As used in this section:
- 4167 (a) "Affected hotel" means a hotel built in the state before July 1, 2014.
- 4168 (b) "Direct losses" means affected hotels' losses of hotel guest business attributable to
- 4169 the qualified hotel room supply being added to the market in the state.
- 4170 (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).
- 4171 (2) There is created an expendable special revenue fund known as the Hotel Impact
- 4172 Mitigation Fund.
- 4173 (3) The mitigation fund shall:
- 4174 (a) be administered by GOEO;
- 4175 (b) earn interest; and
- 4176 (c) be funded by:
- 4177 [~~(i) payments required to be deposited into the mitigation fund by the Division of~~
- 4178 ~~Finance under Subsection 59-12-103(10);]~~
- 4179 [(~~ii~~) (i) money required to be deposited into the mitigation fund under Subsection
- 4180 17-31-9(2) by the county in which a qualified hotel is located; and
- 4181 [(~~iii~~) (ii) any money deposited into the mitigation fund under Subsection (6).
- 4182 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.
- 4183 (5)(a) In accordance with office rules, GOEO shall annually pay up to \$2,100,000 of
- 4184 money in the mitigation fund:
- 4185 (i) to affected hotels;
- 4186 (ii) for four consecutive years, beginning 12 months after the date of initial
- 4187 occupancy of the qualified hotel occurs; and
- 4188 (iii) to mitigate direct losses.
- 4189 (b)(i) If the amount GOEO pays under Subsection (5)(a) in any year is less than
- 4190 \$2,100,000, GOEO shall pay to the Stay Another Day and Bounce Back Fund,
- 4191 created in Section 63N-2-511, the difference between \$2,100,000 and the amount
- 4192 paid under Subsection (5)(a).
- 4193 (ii) GOEO shall make any required payment under Subsection (5)(b)(i) within 90
- 4194 days after the end of the year for which a determination is made of how much
- 4195 GOEO is required to pay to affected hotels under Subsection (5)(a).
- 4196 (6) A host local government or qualified hotel owner may make payments to the Division
- 4197 of Finance for deposit into the mitigation fund.

4198 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 4199 office shall, in consultation with the Utah Hotel and Lodging Association and the county
 4200 in which the qualified hotel is located, make rules establishing procedures and criteria
 4201 governing payments under Subsection (5)(a) to affected hotels.

4202 Section 23. Section **72-2-106** is amended to read:

4203 **72-2-106 (Effective 07/01/26). Appropriation and transfers from Transportation**
 4204 **Fund.**

4205 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
 4206 of the department an amount equal to two-elevenths of the taxes collected from the
 4207 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
 4208 class B and class C roads, to be used for highway rehabilitation.

4209 (2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall
 4210 annually transfer an amount equal to the amount of revenue generated by a tax imposed
 4211 on motor and special fuel that is sold, used, or received for sale or used in this state at a
 4212 rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by
 4213 Section 72-2-124.

4214 (3) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
 4215 annually transfer to the Transportation Investment Fund of 2005 created by Section
 4216 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the
 4217 current fiscal year by the portion of the tax imposed on motor and special fuel that is
 4218 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

4219 [~~(4) For purposes of the calculation described in Subsection 59-12-103(7)(e), the Division~~
 4220 ~~of Finance shall notify the State Tax Commission of the amount of any transfer made~~
 4221 ~~under Subsections (2) and (3).]~~

4222 Section 24. Section **72-2-124** is amended to read:

4223 **72-2-124 (Effective 07/01/26). Transportation Investment Fund of 2005.**

4224 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
 4225 2005.

4226 (2) The fund consists of money generated from the following sources:

4227 (a) any voluntary contributions received for the maintenance, construction,
 4228 reconstruction, or renovation of state and federal highways;

4229 (b) appropriations made to the fund by the Legislature;

4230 (c) registration fees designated under Section 41-1a-1201;

4231 (d) the sales and use tax revenues deposited into the fund in accordance with Section

- 4232 59-12-103; and
- 4233 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 4234 (3)(a) The fund shall earn interest.
- 4235 (b) All interest earned on fund money shall be deposited into the fund.
- 4236 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
- 4237 money to pay:
- 4238 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 4239 federal highways prioritized by the Transportation Commission through the
- 4240 prioritization process for new transportation capacity projects adopted under
- 4241 Section 72-1-304;
- 4242 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
- 4243 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 4244 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 4245 minus the costs paid from the County of the First Class Highway Projects Fund in
- 4246 accordance with Subsection 72-2-121(4)(e);
- 4247 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 4248 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
- 4249 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
- 4250 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
- 4251 issued by Salt Lake County;
- 4252 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 4253 for projects prioritized in accordance with Section 72-2-125;
- 4254 (vi) all highway general obligation bonds that are intended to be paid from revenues
- 4255 in the Centennial Highway Fund created by Section 72-2-118;
- 4256 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 4257 Class Highway Projects Fund created in Section 72-2-121 to be used for the
- 4258 purposes described in Section 72-2-121;
- 4259 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
- 4260 the costs needed for construction, reconstruction, or renovation of paved
- 4261 pedestrian or paved nonmotorized transportation for projects that:
- 4262 (A) mitigate traffic congestion on the state highway system;
- 4263 (B) are part of an active transportation plan approved by the department; and
- 4264 (C) are prioritized by the commission through the prioritization process for new
- 4265 transportation capacity projects adopted under Section 72-1-304;

- 4266 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
 4267 reconstruction, or renovation of or improvement to the following projects:
 4268 (A) the connector road between Main Street and 1600 North in the city of
 4269 Vineyard;
 4270 (B) Geneva Road from University Parkway to 1800 South;
 4271 (C) the SR-97 interchange at 5600 South on I-15;
 4272 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
 4273 South Jordan Parkway;
 4274 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
 4275 (F) improvements to 1600 North in Orem from 1200 West to State Street;
 4276 (G) widening I-15 between mileposts 6 and 8;
 4277 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
 4278 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
 4279 in Spanish Fork Canyon;
 4280 (J) I-15 northbound between mileposts 43 and 56;
 4281 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
 4282 43 and 45.1;
 4283 (L) east Zion SR-9 improvements;
 4284 (M) Toquerville Parkway;
 4285 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
 4286 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
 4287 for construction of an interchange on Bangerter Highway at 13400 South; and
 4288 (P) an environmental impact study for Kimball Junction in Summit County; and
 4289 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
 4290 costs based upon a statement of cash flow that the local jurisdiction where the
 4291 project is located provides to the department demonstrating the need for money
 4292 for the project, for the following projects in the following amounts:
 4293 (A) \$5,000,000 for Payson Main Street repair and replacement;
 4294 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
 4295 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
 4296 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
 4297 40 between mile markers 7 and 10.
- 4298 (b) The executive director may use fund money to exchange for an equal or greater
 4299 amount of federal transportation funds to be used as provided in Subsection (4)(a).

- 4300 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
4301 not commence until a right-of-way not owned by a federal agency that is required
4302 for the realignment and extension of U-111, as described in the department's 2023
4303 environmental study related to the project, is dedicated to the department.
- 4304 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
4305 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
4306 department may proceed with the project, except that the project will be limited to
4307 two lanes on U-111 from Herriman Parkway to 11800 South.
- 4308 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
4309 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
4310 director may not program fund money to a project prioritized by the commission
4311 under Section 72-1-304, including fund money from the Transit Transportation
4312 Investment Fund, within the boundaries of the municipality until the department
4313 receives notification from the Housing and Community Development Division within
4314 the Department of Workforce Services that ineligibility under this Subsection (5) no
4315 longer applies to the municipality.
- 4316 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
4317 director:
- 4318 (i) may program fund money in accordance with Subsection (4)(a) for a
4319 limited-access facility or interchange connecting limited-access facilities;
- 4320 (ii) may not program fund money for the construction, reconstruction, or renovation
4321 of an interchange on a limited-access facility;
- 4322 (iii) may program Transit Transportation Investment Fund money for a
4323 multi-community fixed guideway public transportation project; and
- 4324 (iv) may not program Transit Transportation Investment Fund money for the
4325 construction, reconstruction, or renovation of a station that is part of a fixed
4326 guideway public transportation project.
- 4327 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
4328 director before July 1, 2022, for projects prioritized by the commission under Section
4329 72-1-304.
- 4330 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
4331 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
4332 director may not program fund money to a project prioritized by the commission
4333 under Section 72-1-304, including fund money from the Transit Transportation

- 4334 Investment Fund, within the boundaries of the unincorporated area of the county until
4335 the department receives notification from the Housing and Community Development
4336 Division within the Department of Workforce Services that ineligibility under this
4337 Subsection (6) no longer applies to the county.
- 4338 (b) Within the boundaries of the unincorporated area of a county described in Subsection
4339 (6)(a), the executive director:
- 4340 (i) may program fund money in accordance with Subsection (4)(a) for a
4341 limited-access facility to a project prioritized by the commission under Section
4342 72-1-304;
- 4343 (ii) may not program fund money for the construction, reconstruction, or renovation
4344 of an interchange on a limited-access facility;
- 4345 (iii) may program Transit Transportation Investment Fund money for a
4346 multi-community fixed guideway public transportation project; and
- 4347 (iv) may not program Transit Transportation Investment Fund money for the
4348 construction, reconstruction, or renovation of a station that is part of a fixed
4349 guideway public transportation project.
- 4350 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
4351 director before July 1, 2022, for projects prioritized by the commission under Section
4352 72-1-304.
- 4353 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
4354 any fiscal year, the department and the commission shall appear before the Executive
4355 Appropriations Committee of the Legislature and present the amount of bond
4356 proceeds that the department needs to provide funding for the projects identified in
4357 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
4358 or next fiscal year.
- 4359 (b) The Executive Appropriations Committee of the Legislature shall review and
4360 comment on the amount of bond proceeds needed to fund the projects.
- 4361 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
4362 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
4363 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
4364 service or sinking fund.
- 4365 (9)(a) There is created in the Transportation Investment Fund of 2005 the Transit
4366 Transportation Investment Fund.
- 4367 (b) The fund shall be funded by:

- 4368 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 4369 (ii) appropriations into the account by the Legislature;
- 4370 (iii) deposits of sales and use tax increment related to a housing and transit
- 4371 reinvestment zone as described in Section 63N-3-610;
- 4372 (iv) transfers of local option sales and use tax revenue as described in Subsection
- 4373 59-12-2220(11)(b) or (c);
- 4374 (v) private contributions; and
- 4375 (vi) donations or grants from public or private entities.
- 4376 (c)(i) The fund shall earn interest.
- 4377 (ii) All interest earned on fund money shall be deposited into the fund.
- 4378 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:
- 4379 (i) for public transit capital development of new capacity projects and fixed guideway
- 4380 capital development projects to be used as prioritized by the commission through
- 4381 the prioritization process adopted under Section 72-1-304;
- 4382 (ii) to the department for oversight of a fixed guideway capital development project
- 4383 for which the department has responsibility; or
- 4384 (iii) up to \$500,000 per year, to be used for a public transit study.
- 4385 (e)(i) Subject to Subsections (9)(g), (h), and (i), the commission may only prioritize
- 4386 money from the fund for a public transit capital development project or pedestrian
- 4387 or nonmotorized transportation project that provides connection to the public
- 4388 transit system if the public transit district or political subdivision provides funds of
- 4389 equal to or greater than 30% of the costs needed for the project.
- 4390 (ii) A public transit district or political subdivision may use money derived from a
- 4391 loan granted pursuant to [~~Title 72, Chapter 2,~~]Part 2, State Infrastructure Bank
- 4392 Fund, to provide all or part of the 30% requirement described in Subsection
- 4393 (9)(e)(i) if:
- 4394 (A) the loan is approved by the commission as required in [~~Title 72, Chapter 2,~~]
- 4395 Part 2, State Infrastructure Bank Fund; and
- 4396 (B) the proposed capital project has been prioritized by the commission pursuant
- 4397 to Section 72-1-303.
- 4398 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 4399 an agreement for a large public transit district to pay the department \$5,000,000 per
- 4400 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 4401 emissions rail engines and trainsets for regional public transit rail systems.

- 4402 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
4403 (i) the commission may prioritize money from the fund for public transit projects,
4404 operations, or maintenance within the county of the first class; and
4405 (ii) Subsection (9)(e) does not apply.
- 4406 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
4407 (i) the commission may prioritize public transit projects, operations, or maintenance
4408 in the county from which the revenue was generated; and
4409 (ii) Subsection (9)(e) does not apply.
- 4410 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
4411 the project described in Subsection (9)(e) does not apply to a public transit capital
4412 development project or pedestrian or nonmotorized transportation project that the
4413 department proposes.
- 4414 (j) In accordance with Part [3] 4, Public Transit Innovation Grants, the commission may
4415 prioritize money from the fund for public transit innovation grants, as defined in
4416 Section 72-2-401, for public transit capital development projects requested by a
4417 political subdivision within a public transit district.
- 4418 (10)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
4419 Canyons Transportation Investment Fund.
- 4420 (b) The fund shall be funded by:
4421 (i) money deposited into the fund in accordance with Section 59-12-103;
4422 (ii) appropriations into the account by the Legislature;
4423 (iii) private contributions; and
4424 (iv) donations or grants from public or private entities.
- 4425 (c)(i) The fund shall earn interest.
4426 (ii) All interest earned on fund money shall be deposited into the fund.
- 4427 (d) The Legislature may appropriate money from the fund for public transit or
4428 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 4429 (e) The department may use up to 2% of the revenue deposited into the account under
4430 Subsection [59-12-103(7)(b)] 59-12-103(4)(f) to contract with local governments as
4431 necessary for public safety enforcement related to the Cottonwood Canyons of Salt
4432 Lake County.
- 4433 (11)(a) There is created in the Transportation Investment Fund of 2005 the Active
4434 Transportation Investment Fund.
- 4435 (b) The fund shall be funded by:

- 4436 (i) money deposited into the fund in accordance with Section 59-12-103;
- 4437 (ii) appropriations into the account by the Legislature; and
- 4438 (iii) donations or grants from public or private entities.
- 4439 (c)(i) The fund shall earn interest.
- 4440 (ii) All interest earned on fund money shall be deposited into the fund.
- 4441 (d) The executive director may only use fund money to pay the costs needed for:
- 4442 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 4443 paved pedestrian or paved nonmotorized trail projects that:
- 4444 (A) are prioritized by the commission through the prioritization process for new
- 4445 transportation capacity projects adopted under Section 72-1-304;
- 4446 (B) serve a regional purpose; and
- 4447 (C) are part of an active transportation plan approved by the department or the
- 4448 plan described in Subsection (11)(d)(ii);
- 4449 (ii) the development of a plan for a statewide network of paved pedestrian or paved
- 4450 nonmotorized trails that serve a regional purpose; and
- 4451 (iii) the administration of the fund, including staff and overhead costs.
- 4452 (12)(a) As used in this Subsection (12), "commuter rail" means the same as that term is
- 4453 defined in Section 63N-3-602.
- 4454 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
- 4455 Subaccount.
- 4456 (c) The subaccount shall be funded by:
- 4457 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 4458 (ii) appropriations into the subaccount by the Legislature;
- 4459 (iii) private contributions; and
- 4460 (iv) donations or grants from public or private entities.
- 4461 (d)(i) The subaccount shall earn interest.
- 4462 (ii) All interest earned on money in the subaccount shall be deposited into the
- 4463 subaccount.
- 4464 (e) As prioritized by the commission through the prioritization process adopted under
- 4465 Section 72-1-304 or as directed by the Legislature, the department may only use
- 4466 money from the subaccount for projects that improve the state's commuter rail
- 4467 infrastructure, including the building or improvement of grade-separated crossings
- 4468 between commuter rail lines and public highways.
- 4469 (f) Appropriations made in accordance with this section are nonlapsing in accordance

4470 with Section 63J-1-602.1.

4471 Section 25. Section **73-2-1.6** is amended to read:

4472 **73-2-1.6 (Effective 07/01/26). Water Rights Restricted Account.**

4473 (1) As used in this section:

4474 (a) "Account" means the Water Rights Restricted Account created by this section.

4475 (b) "Division" means the Division of Water Rights.

4476 (2) There is created in the General Fund a restricted account known as the "Water Rights
4477 Restricted Account."

4478 (3) The account shall consist of the money deposited into the account under Subsection [
4479 ~~59-12-103(5)(e)~~] 59-12-103(4)(b).

4480 (4) Upon appropriation, the division may use money in the account for:

4481 (a) costs incurred by the division that benefit water rights adjudications, including:

4482 (i) employing technical staff;

4483 (ii) acquiring equipment;

4484 (iii) obtaining legal support;

4485 (iv) conducting studies;

4486 (A) installing, operating, and maintaining measurement infrastructure; and

4487 (B) sharing the costs of installed United States Geological Survey stream gauges;

4488 and

4489 (b) not to exceed 5% of the money deposited into the account under Subsection [
4490 ~~59-12-103(5)(e)~~] 59-12-103(4)(b) in the fiscal year preceding the fiscal year of
4491 appropriation, costs incurred by the division to acquire, manage, and analyze surface
4492 and groundwater data, not limited to geographic areas of adjudication.

4493 (5)(a) The account may not exceed \$8,000,000 at the end of a fiscal year.

4494 (b) If the account exceeds \$8,000,000 at the end of a fiscal year, the Division of Finance
4495 shall deposit into the Water Resources Conservation and Development Fund, created
4496 in Section 73-10-24, the money in excess of the amount necessary to maintain the
4497 account balance at \$8,000,000.

4498 Section 26. **Effective date.**

4499 (1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2026.

4500 (2) The actions affecting the following sections take effect on May 7, 2025:

4501 (a) Section 41-1a-102 (Effective 05/07/25);

4502 (b) Section 41-1a-110 (Effective 05/07/25);

4503 (c) Section 41-1a-1206 (Effective 05/07/25);

- 4504 (d) Section 41-6a-102 (Effective 05/07/25);
- 4505 (e) Section 41-6a-1509 (Effective 05/07/25);
- 4506 (f) Section 41-12a-804 (Effective 05/07/25);
- 4507 (g) Section 41-22-2 (Effective 05/07/25);
- 4508 (h) Section 41-22-3 (Effective 05/07/25);
- 4509 (i) Section 41-22-5.5 (Effective 05/07/25);
- 4510 (j) Section 41-22-10.7 (Effective 05/07/25); and
- 4511 (k) Section 41-22-10.8 (Effective 05/07/25).
- 4512 (3) The actions affecting Section 41-1a-215 (Effective 01/01/26) take effect on January 1,
- 4513 2026.