

**Transportation Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to transportation items, transportation mobility plans, and adherence to proposed phases of certain transportation developments.

**Highlighted Provisions:**

This bill:

- requires cities and metropolitan planning organizations to identify transportation connectivity impediments and provide a report on plans to address transportation connectivity;
- requires periodic reporting and follow up on certain station area plans;
- requires property acquired by the Department of Transportation for a public transit purpose remain under the ownership of the Department of Transportation;
- designates certain legislative committees as recipients for certain required reports;
- creates requirements for air ambulance dispatch services;
- adjusts a sales and use tax earmark percentage to increase funding for transportation;
- extends a deadline for certain sales and use taxes to be allocated for public transit innovation grants;
- reinstates certain funding to the Department of Transportation for litter mitigation that was reduced due to the COVID-19 pandemic;
- requires the Department of Transportation to adhere to phasing of projects if required by the environmental impact statement;
- repeals certain outdated language and makes other technical changes;
- allocates revenue for certain road projects;
- requires the Department of Transportation and Salt Lake City to coordinate on certain traffic studies and planning;

- repeals certain highway-related name designations;
- provides maintenance responsibilities for certain street light infrastructure; and
- makes other technical changes.

**Money Appropriated in this Bill:**

This bill appropriates (\$330,000,000) in capital project funds for fiscal year 2026, all of which is from the General Fund.

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:****AMENDS:**

- 10-9a-403.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 219
- 17B-2a-824 (Effective 05/07/25)**, as enacted by Laws of Utah 2007, Chapter 329
- 41-6a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 236
- 41-6a-1102 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 41-6a-1116 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 412
- 41-6a-1642 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 459, 483
- 53-2a-1102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 34, 471
- 53-2d-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 147, 438 and 506
- 59-12-103 (Effective 07/01/25)**, as last amended by Laws of Utah 2024, Chapters 88, 501
- 59-12-2212.2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498
- 59-12-2219 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498
- 59-12-2220 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 498, 501
- 63B-11-502 (Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 263
- 63B-31-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, First Special Session, Chapter 8
- 63I-1-272 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
- 63J-3-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 77
- 72-1-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517

62       **72-1-212 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 524  
63       **72-1-213.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 56,  
64       259  
65       **72-1-217 (Effective upon governor's approval)**, as enacted by Laws of Utah 2023,  
66       Chapter 366  
67       **72-1-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 498  
68       **72-1-304 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517  
69       **72-1-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 22, 219  
70       **72-2-106 (Effective 07/01/25)**, as last amended by Laws of Utah 2023, Chapter 22  
71       **72-2-121 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,  
72       Chapters 300, 498 and 501  
73       **72-2-121.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 366  
74       **72-2-123 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 22  
75       **72-2-124 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 498, 501  
76       **72-2-303 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 501  
77       **72-2-401 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498  
78       **72-2-402 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498  
79       **72-2-403 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 498  
80       **72-3-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 403  
81       **72-6-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 517  
82       **72-6-206 (Effective 05/07/25)**, as last amended by Laws of Utah 2016, Chapter 222  
83       **72-10-109 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 483,  
84       485

## ENACTS:

86       **10-8-87 (Effective 05/07/25)**, Utah Code Annotated 1953  
87       **41-6a-1121 (Effective 05/07/25)**, Utah Code Annotated 1953  
88       **41-6a-1122 (Effective 05/07/25)**, Utah Code Annotated 1953  
89       **53-2d-517 (Effective 05/07/25)**, Utah Code Annotated 1953

## REPEALS:

91       **63B-8-503 (Effective 05/07/25)**, as enacted by Laws of Utah 1999, Chapter 331  
92       **72-2-118 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 281  
93       **72-4-222 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 435

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

Section 1. Section **10-8-87** is enacted to read:

**10-8-87 (Effective 05/07/25). Transportation connectivity plan -- Reporting.**

- (1) On or before July 1, 2027, a municipality within a metropolitan planning organization boundary shall, in consultation with relevant stakeholders, update the transportation and traffic circulation element of the municipality's general plan as described in Subsection 10-9a-403(2)(a)(ii) to identify priority connections to remedy physical impediments, including water conveyances, that would improve circulation and enhance vehicle, transit, bicycle, or pedestrian access to significant economic, educational, recreational, and other priority destinations.
- (2) For a priority connection identified pursuant to Subsection (1), a municipality shall identify:
- (a) cost estimates;
  - (b) potential funding sources, including state, local, federal, and private funding; and
  - (c) impediments to constructing the connections.
- (3)(a) A metropolitan planning organization, in consultation with each affected municipality, shall report to the Transportation Interim Committee regarding:
- (i) the status of the required municipal modifications to general plans required by Subsection (2);
  - (ii) the status of a regional roadway grid network study;
  - (iii) physical and other impediments to constructing priority transportation connections; and
  - (iv) potential funding sources, including state, local, federal, and private funding, to make transportation connectivity improvements.
- (b) The metropolitan planning organization shall provide the report described in Subsection (3)(a) on or before November 1 of 2025, 2026, and 2027.
- (4) Enhancement of transportation connectivity as described in Subsection (1) shall be given consideration in the prioritization processes described in Sections 72-1-304 and 72-2-302.

Section 2. Section **10-9a-403.1** is amended to read:

**10-9a-403.1 (Effective 05/07/25). Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.**

- (1) As used in this section:
- (a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public

transit station is located.

(b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

(c) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

(d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.

(f) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.

(g) "Qualifying land use petition" means a petition:

(i) that involves land located within a station area for an existing public transit station that provides rail services;

(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);

(iii) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(v) that would require a higher density than the density currently allowed by the municipality;

(vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).

(h)(i) "Station area" means:

(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(ii) "Station area" includes any parcel bisected by the radius limitation described in

- 164 Subsection (1)(h)(i)(A) or (B).
- 165 (i) "Station area plan" means a plan that:
- 166 (i) establishes a vision, and the actions needed to implement that vision, for the
- 167 development of land within a station area; and
- 168 (ii) is developed and adopted in accordance with this section.
- 169 (2)(a) Subject to the requirements of this section, a municipality that has a fixed
- 170 guideway public transit station located within the municipality's boundaries shall, for
- 171 the station area:
- 172 (i) develop and adopt a station area plan; and
- 173 (ii) adopt any appropriate land use regulations to implement the station area plan.
- 174 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:
- 175 (i)(A) the municipality has already adopted plans or ordinances, approved land use
- 176 applications, approved agreements or financing, or investments have been
- 177 made, before June 1, 2022, that substantially promote each of the objectives in
- 178 Subsection (7)(a) within the station area, and can demonstrate that such plans,
- 179 ordinances, approved land use applications, approved agreements or financing,
- 180 or investments are still relevant to making meaningful progress towards
- 181 achieving such objectives; and
- 182 (B) the municipality adopts a resolution finding that the objectives of Subsection
- 183 (7)(a) have been substantially promoted.
- 184 (ii)(A) the municipality has determined that conditions exist that make satisfying a
- 185 portion or all of the requirements of Subsection (2)(a) for a station area
- 186 impracticable, including conditions that relate to existing development,
- 187 entitlements, land ownership, land uses that make opportunities for new
- 188 development and long-term redevelopment infeasible, environmental
- 189 limitations, market readiness, development impediment conditions, or other
- 190 similar conditions; and
- 191 (B) the municipality adopts a resolution describing the conditions that exist to
- 192 make satisfying the requirements of Subsection (2)(a) impracticable.
- 193 (c) To the extent that previous actions by a municipality do not satisfy the requirements
- 194 of Subsection (2)(a) for a station area, the municipality shall take the actions
- 195 necessary to satisfy those requirements.
- 196 (3)(a) A municipality that has a new fixed guideway public transit station located within
- 197 the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for

the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

(b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for four or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located within the municipality.

(d)(i) Subject to Subsection (3)(d)(ii):

(A) if a municipality receives a complete qualifying land use petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the qualified land use petition within 45 days of the date of receipt.

(ii)(A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

(B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).

- (iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:
- (A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a); and
  - (B) the municipality would be required to change a zoning designation for the land use application to be approved.
- (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:
- (i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the required time period infeasible, despite the municipality's good faith efforts; and
  - (ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).
- (4)(a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.
- (b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.
- (5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.
- (6)(a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.
- (b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).
- (7)(a) A station area plan shall promote the following objectives within the station area:
- (i) increasing the availability and affordability of housing, including moderate income housing;



- 266 (ii) promoting sustainable environmental conditions;  
267 (iii) enhancing access to opportunities; and  
268 (iv) increasing transportation choices and connections.
- 269 (b)(i) To promote the objective described in Subsection (7)(a)(i), a municipality may  
270 consider implementing the following actions:
- 271 (A) aligning the station area plan with the moderate income housing element of  
272 the municipality's general plan;
  - 273 (B) providing for densities necessary to facilitate the development of moderate  
274 income housing;
  - 275 (C) providing for affordable costs of living in connection with housing,  
276 transportation, and parking; or
  - 277 (D) any other similar action that promotes the objective described in Subsection  
278 (7)(a)(i).
- 279 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may  
280 consider implementing the following actions:
- 281 (A) conserving water resources through efficient land use;
  - 282 (B) improving air quality by reducing fuel consumption and motor vehicle trips;
  - 283 (C) establishing parks, open spaces, and recreational opportunities; or
  - 284 (D) any other similar action that promotes the objective described in Subsection  
285 (7)(a)(ii).
- 286 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may  
287 consider the following actions:
- 288 (A) maintaining and improving the connections between housing, transit,  
289 employment, education, recreation, and commerce;
  - 290 (B) encouraging mixed-use development;
  - 291 (C) enabling employment and educational opportunities within the station area;
  - 292 (D) encouraging and promoting enhanced broadband connectivity; or
  - 293 (E) any other similar action that promotes the objective described in Subsection  
294 (7)(a)(iii).
- 295 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may  
296 consider the following:
- 297 (A) supporting investment in infrastructure for all modes of transportation;
  - 298 (B) increasing utilization of public transit;
  - 299 (C) encouraging safe streets through the designation of pedestrian walkways and

- bicycle lanes;
- (D) encouraging manageable and reliable traffic conditions;
- (E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or
- (F) any other similar action that promotes the objective described in Subsection (7)(a)(iv).
- (8) A station area plan shall include the following components:
- (a) a station area vision that:
- (i) is consistent with Subsection (7); and
- (ii) describes the following:
- (A) opportunities for the development of land within the station area under existing conditions;
- (B) constraints on the development of land within the station area under existing conditions;
- (C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;
- (D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;
- (E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and
- (F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;
- (b) a map that depicts:
- (i) the station area;
- (ii) the area within the station area to which the station area plan applies, provided that the station area plan may apply to areas outside the station area, and the station area plan is not required to apply to the entire station area; and
- (iii) the area where each action is needed to implement the station area plan;
- (c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for taking each action, including any actions to:
- (i) modify land use regulations;
- (ii) make infrastructure improvements;
- (iii) modify deeds or other relevant legal documents;

- (iv) secure funding or develop funding strategies;
  - (v) establish design standards for development within the station area; or
  - (vi) provide environmental remediation;
- (d) a statement that explains how the station area plan promotes the objectives described in Subsection (7)(a); and
- (e) as an alternative or supplement to the requirements of Subsection (7) or this Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make the following impracticable:
  - (i) promoting the objectives described in Subsection (7)(a); or
  - (ii) satisfying the requirements of this Subsection (8).
- (9) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:
  - (a) other impacted communities;
  - (b) the applicable public transit district;
  - (c) the applicable metropolitan planning organization;
  - (d) the Department of Transportation;
  - (e) owners of property within the station area; and
  - (f) the municipality's residents and business owners.
- (10)(a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area, including:
  - (i) a station area plan; or
  - (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).
- (b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:
  - (i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and
  - (ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area.
- (c) The municipality shall include the certification described in Subsection (10)(b)(ii) in

the municipality's report to the Department of Workforce Services under Section 10-9a-408.

- (11)(a) Following certification by a metropolitan planning organization of a municipality's station area plan under Subsection (10)(b)(ii), the municipality shall provide a report to the applicable metropolitan planning organization on or before December 31 of the fifth year after the year in which the station area plan was certified, and every five years thereafter for a period not to exceed 15 years.
- (b) The report described in Subsection (11)(a) shall:
- (i) contain the status of advancing the station area plan objectives, including, if applicable, actions described in the implementation plan required in Subsection (8)(c); and
  - (ii) identify potential actions over the next five years that would advance the station area plan objectives.
- (c) If a municipality has multiple certified station area plans, the municipality may consolidate the reports required in Subsection (11)(a) for the purpose of submitting reports to the metropolitan planning organization.

Section 3. Section **17B-2a-824** is amended to read:

**17B-2a-824 (Effective 05/07/25). Property acquired on behalf of a public transit district.**

- (1) [Title] Except as provided in Subsection (3), title to property acquired on behalf of a public transit district under this part immediately and by operation of law vests in the public transit district.
- (2) Property described in Subsection (1) is dedicated and set apart for the purposes set forth in this part.
- (3) Any property purchased or acquired by the Department of Transportation for public transit purposes:
- (a) does not vest in the public transit district; and
  - (b) remains under the ownership of the Department of Transportation.
- (4) The Department of Transportation may sell, donate, exchange, or otherwise convey in fee simple property described in Subsection (3) to a public transit district if:
- (a)(i) the property is adjacent or ancillary to property the public transit district utilizes for the operation of a fixed guideway; and
  - (ii) the Department of Transportation determines that the conveyance of the property to the public transit district provides a benefit to the state;

(b) the conveyance is necessary to fulfilling federal grant or other funding requirements;  
or

(c) the conveyance is made in accordance with an administrative rule enacted pursuant  
to Section 72-5-117.

(5) If the Department of Transportation purchases one or more transit vehicles for public  
transit purposes, the Department of Transportation may sell, donate, exchange, or  
otherwise convey the transit vehicles to a public transit district if:

(a) the Department of Transportation determines that the conveyance of the transit  
vehicles to the public transit district provides a benefit to the state; or

(b) the conveyance is necessary to fulfill federal grant or other funding requirements.

Section 4. Section **41-6a-102** is amended to read:

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

As used in this chapter:

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

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

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

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

(5) "Authorized emergency vehicle" includes:

(a) a fire department vehicle;

(b) a police vehicle;

(c) an ambulance; and

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

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

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

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

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

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

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

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

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

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

(i) designed for carrying more than 15 passengers and used for the transportation of

- 436 persons; or
- 437 (ii) designed and used for the transportation of persons for compensation.
- 438 (b) "Bus" does not include a taxicab.
- 439 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
- 440 in design, located in the center of the intersection where traffic passes to the right of
- 441 the island.
- 442 (b) "Circular intersection" includes:
- 443 (i) roundabouts;
- 444 (ii) rotaries; and
- 445 (iii) traffic circles.
- 446 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 447 motor or electronics that:
- 448 (a) provides assistance only when the rider is pedaling; and
- 449 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 450 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 451 motor or electronics that:
- 452 (a) may be used exclusively to propel the bicycle; and
- 453 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
- 454 per hour.
- 455 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 456 motor or electronics that:
- 457 (a) provides assistance only when the rider is pedaling;
- 458 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 459 and
- 460 (c) is equipped with a speedometer.
- 461 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 462 (14) "Controlled-access highway" means a highway, street, or roadway:
- 463 (a) designed primarily for through traffic; and
- 464 (b) to or from which owners or occupants of abutting lands and other persons have no
- 465 legal right of access, except at points as determined by the highway authority having
- 466 jurisdiction over the highway, street, or roadway.
- 467 (15) "Crosswalk" means:
- 468 (a) that part of a roadway at an intersection included within the connections of the lateral
- 469 lines of the sidewalks on opposite sides of the highway measured from:

- 470 (i)(A) the curbs; or  
471 (B) in the absence of curbs, from the edges of the traversable roadway; and  
472 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
473 included within the extension of the lateral lines of the existing sidewalk at right  
474 angles to the centerline; or  
475 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
476 pedestrian crossing by lines or other markings on the surface.
- 477 (16) "Department" means the Department of Public Safety.
- 478 (17) "Direct supervision" means oversight at a distance within which:  
479 (a) visual contact is maintained; and  
480 (b) advice and assistance can be given and received.
- 481 (18) "Divided highway" means a highway divided into two or more roadways by:  
482 (a) an unpaved intervening space;  
483 (b) a physical barrier; or  
484 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 485 (19) "Echelon formation" means the operation of two or more snowplows arranged  
486 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to  
487 clear snow from two or more lanes at once.
- 488 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:  
489 (i) has a power output of not more than 750 watts;  
490 (ii) has fully operable pedals;  
491 (iii) has permanently affixed cranks that were installed at the time of the original  
492 manufacture;  
493 (iv) is fully operable as a bicycle without the use of the electric motor; and  
494 (v) is one of the following:  
495 (A) a class 1 electric assisted bicycle;  
496 (B) a class 2 electric assisted bicycle;  
497 (C) a class 3 electric assisted bicycle; or  
498 (D) a programmable electric assisted bicycle.
- 499 (b) "Electric assisted bicycle" does not include:  
500 (i) a moped;  
501 (ii) a motor assisted scooter;  
502 (iii) a motorcycle;  
503 (iv) a motor-driven cycle; or

(v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:

(A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;

(B) is equipped with a continuous rated motor power of 750 watts or greater;

(C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or

(D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.

(21)(a) "Electric personal assistive mobility device" means a self-balancing device with:

(i) two nontandem wheels in contact with the ground;

(ii) a system capable of steering and stopping the unit under typical operating conditions;

(iii) an electric propulsion system with average power of one horsepower or 750 watts;

(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

(v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

(22) "Electric unicycle" means a self-balancing personal transportation device that:

(a) has a single wheel;

(b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and

(c) is designed for the operator to face in the direction of travel while operating the device.

~~[(22)]~~ (23) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

~~[(23)]~~ (24) "Farm tractor" means a motor vehicle designed and used primarily as a farm



implement, for drawing plows, mowing machines, and other implements of husbandry.

~~[(24)]~~ (25) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.

~~[(25)]~~ (26) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

~~[(26)]~~ (27)(a) "Golf cart" means a device that:

- (i) is designed for transportation by players on a golf course;
- (ii) has not less than three wheels in contact with the ground;
- (iii) has an unladen weight of less than 1,800 pounds;
- (iv) is designed to operate at low speeds; and
- (v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

- (i) a low-speed vehicle or an off-highway vehicle;
- (ii) a motorized wheelchair;
- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- (vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(27)]~~ (28) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(28)]~~ (29) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

~~[(29)]~~ (30) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

- (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.

~~[(30)]~~ (31) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

~~[(31)]~~ (32) "Highway authority" means the same as that term is defined in Section 72-1-102.

~~[(32)]~~ (33)(a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the

roadways of two or more highways that join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

~~[(33)]~~ (34) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

~~[(34)]~~ (35) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

~~[(35)]~~ (36) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

~~[(36)]~~ (37) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

~~[(37)]~~ (38) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

~~[(38)]~~ (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and

(ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

606     ~~[(39)]~~ (40) "Metal tire" means a tire, the surface of which in contact with the highway is  
607     wholly or partly of metal or other hard nonresilient material.

608     ~~[(40)]~~ (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a  
609     seat or saddle that is less than 24 inches from the ground as measured on a level  
610     surface with properly inflated tires.

611     (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

612     (c) "Mini-motorcycle" does not include a motorcycle that is:

613         (i) designed for off-highway use; and

614         (ii) registered as an off-highway vehicle under Section 41-22-3.

615     ~~[(41)]~~ (42) "Mobile home" means:

616         (a) a trailer or semitrailer that is:

617             (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping  
618             place either permanently or temporarily; and

619             (ii) equipped for use as a conveyance on streets and highways; or

620         (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed  
621         for use as a mobile home, as defined in Subsection ~~[(41)(a)]~~ (42)(a), but that is instead  
622         used permanently or temporarily for:

623             (i) the advertising, sale, display, or promotion of merchandise or services; or

624             (ii) any other commercial purpose except the transportation of property for hire or the  
625             transportation of property for distribution by a private carrier.

626     ~~[(42)]~~ (43) "Mobility disability" means the inability of a person to use one or more of the  
627     person's extremities or difficulty with motor skills, that may include limitations with  
628     walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other  
629     condition.

630     ~~[(43)]~~ (44)(a) "Moped" means a motor-driven cycle having:

631         (i) pedals to permit propulsion by human power; and

632         (ii) a motor that:

633             (A) produces not more than two brake horsepower; and

634             (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour  
635             on level ground.

636         (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic  
637         centimeters and the moped shall have a power drive system that functions directly or  
638         automatically without clutching or shifting by the operator after the drive system is  
639         engaged.

(c) "Moped" does not include:

- (i) an electric assisted bicycle; or
- (ii) a motor assisted scooter.

~~[(44)]~~ (45)(a) "Motor assisted scooter" means a self-propelled device with:

- (i) at least two wheels in contact with the ground;
- (ii) a braking system capable of stopping the unit under typical operating conditions;
- (iii) an electric motor not exceeding 2,000 watts;
- (iv) either:
  - (A) handlebars and a deck design for a person to stand while operating the device;
  - or
  - (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
- (v) a design for the ability to be propelled by human power alone; and
- (vi) a maximum speed of 20 miles per hour on a paved level surface.

(b) "Motor assisted scooter" does not include:

- (i) an electric assisted bicycle; or
- (ii) a motor-driven cycle.

~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

- (i) vehicles moved solely by human power;
- (ii) motorized wheelchairs;
- (iii) an electric personal assistive mobility device;
- (iv) an electric assisted bicycle;
- (v) a motor assisted scooter;
- (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- (vii) a mobile carrier, as defined in Section 41-6a-1120.

~~[(46)]~~ (47) "Motorcycle" means:

- (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
- (b) an autocycle.

~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

- 674 (i) an engine with less than 150 cubic centimeters displacement; or  
675 (ii) a motor that produces not more than five horsepower.
- 676 (b) "Motor-driven cycle" does not include:  
677 (i) an electric personal assistive mobility device;  
678 (ii) a motor assisted scooter; or  
679 (iii) an electric assisted bicycle.
- 680 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined  
681 under Section 41-22-2.
- 682 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section  
683 41-22-2.
- 684 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 685 ~~[(51)]~~ (52) "Operator" means:  
686 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or  
687 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a  
688 vehicle.
- 689 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or  
690 other device operated, alone or coupled with another device, on stationary rails.
- 691 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is  
692 occupied or not.
- 693 (b) "Park" or "parking" does not include:  
694 (i) the standing of a vehicle temporarily for the purpose of and while actually  
695 engaged in loading or unloading property or passengers; or  
696 (ii) a motor vehicle with an engaged automated driving system that has achieved a  
697 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 698 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
699 Peace Officer Classifications, to direct or regulate traffic or to make arrests for  
700 violations of traffic laws.
- 701 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:  
702 (a) on foot; or  
703 (b) in a wheelchair.
- 704 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate  
705 pedestrians.
- 706 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,  
707 business trust, estate, trust, partnership, limited liability company, association, joint

venture, governmental agency, public corporation, or any other legal or commercial entity.

~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(70) "Self-balancing electric skateboard" means a device similar to a skateboard that:

(a) has a single wheel;

(b) is powered by an electric motor; and

(c) is designed for the operator to face perpendicular to the direction of travel while operating the device.

~~[(69)]~~ (71)(a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

~~[(70)]~~ (72) "Shoulder area" means:

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

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

~~[(71)]~~ (73) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(72)]~~ (74)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.

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

(i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a

776 federal law, regulation, or rule; or  
777 (ii) located in whole or in part on land granted to the state or a political subdivision  
778 subject to a conservation easement that prohibits the use of a motorized vehicle.  
779 ~~[(73)]~~ (75) "Solid rubber tire" means a tire of rubber or other resilient material that does not  
780 depend on compressed air for the support of the load.  
781 ~~[(74)]~~ (76) "Stand" or "standing" means the temporary halting of a vehicle, whether  
782 occupied or not, for the purpose of and while actually engaged in receiving or  
783 discharging passengers.  
784 ~~[(75)]~~ (77) "Stop" when required means complete cessation from movement.  
785 ~~[(76)]~~ (78) "Stop" or "stopping" when prohibited means any halting even momentarily of a  
786 vehicle, whether occupied or not, except when:  
787 (a) necessary to avoid conflict with other traffic; or  
788 (b) in compliance with the directions of a peace officer or traffic-control device.  
789 ~~[(77)]~~ (79) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I  
790 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
791 the requirements of Section 41-6a-1509 to operate on highways in the state in  
792 accordance with Section 41-6a-1509.  
793 ~~[(78)]~~ (80) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under  
794 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to  
795 operate on highways in the state in accordance with ~~[with]~~ Section 41-6a-1509.  
796 ~~[(79)]~~ (81) "Tow truck operator" means the same as that term is defined in Section 72-9-102.  
797 ~~[(80)]~~ (82) "Tow truck motor carrier" means the same as that term is defined in Section  
798 72-9-102.  
799 ~~[(81)]~~ (83) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
800 conveyances either singly or together while using any highway for the purpose of travel.  
801 ~~[(82)]~~ (84) "Traffic signal preemption device" means an instrument or mechanism designed,  
802 intended, or used to interfere with the operation or cycle of a traffic-control signal.  
803 ~~[(83)]~~ (85) "Traffic-control device" means a sign, signal, marking, or device not inconsistent  
804 with this chapter placed or erected by a highway authority for the purpose of regulating,  
805 warning, or guiding traffic.  
806 ~~[(84)]~~ (86) "Traffic-control signal" means a device, whether manually, electrically, or  
807 mechanically operated, by which traffic is alternately directed to stop and permitted to  
808 proceed.  
809 ~~[(85)]~~ (87)(a) "Trailer" means a vehicle with or without motive power designed for



810 carrying persons or property and for being drawn by a motor vehicle and constructed  
811 so that no part of its weight rests upon the towing vehicle.

812 (b) "Trailer" does not include a pole trailer.

813 [(86)] (88) "Truck" means a motor vehicle designed, used, or maintained primarily for the  
814 transportation of property.

815 [(87)] (89) "Truck tractor" means a motor vehicle:

816 (a) designed and used primarily for drawing other vehicles; and

817 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck  
818 tractor.

819 [(88)] (90) "Two-way left turn lane" means a lane:

820 (a) provided for vehicle operators making left turns in either direction;

821 (b) that is not used for passing, overtaking, or through travel; and

822 (c) that has been indicated by a lane traffic-control device that may include lane  
823 markings.

824 [(89)] (91) "Urban district" means the territory contiguous to and including any street, in  
825 which structures devoted to business, industry, or dwelling houses are situated at  
826 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

827 [(90)] (92) "Vehicle" means a device in, on, or by which a person or property is or may be  
828 transported or drawn on a highway, except a mobile carrier, as defined in Section  
829 41-6a-1120, or a device used exclusively on stationary rails or tracks.

830 Section 5. Section **41-6a-1102** is amended to read:

831 **41-6a-1102 (Effective 05/07/25). Bicycle and device propelled by human power**  
832 **and moped riders subject to chapter -- Exception.**

833 (1) Except as provided under Subsection (2) or as otherwise specified under this part, a  
834 person operating a bicycle, a vehicle or device propelled by human power, an electric  
835 unicycle, or a moped has all the rights and is subject to the provisions of this chapter  
836 applicable to the operator of any other vehicle.

837 (2) A person operating a nonmotorized bicycle or a vehicle or device propelled by human  
838 power is not subject to the penalties related to operator licenses under alcohol and  
839 drug-related traffic offenses.

840 Section 6. Section **41-6a-1116** is amended to read:

841 **41-6a-1116 (Effective 05/07/25). Electric personal assistive mobility devices --**  
842 **Conflicting provisions -- Restrictions -- Penalties.**

843 (1)(a) Except as otherwise provided in this section, an electric personal assistive

mobility device is subject to the provisions under this chapter for a bicycle, moped, or a motor-driven cycle.

(b) For a person operating an electric personal assistive mobility device, the following provisions do not apply:

(i) seating positions under Section 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506;

(iii) entitlement to full use of a lane under Subsection 41-6a-1502(1); and

(iv) driver licensing requirements under Section 53-3-202.

(2) A person under 15 years [~~of age~~] old may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian.

(3) A person may not operate an electric personal assistive mobility device:

(a) on a highway consisting of a total of four or more lanes designated for regular vehicular traffic, except when operating in a lane designated for bicycle traffic;

(b) on a highway with a posted speed limit greater than 35 miles per hour, except when operating in a lane designated for bicycle traffic; or

(c) that has been structurally or mechanically altered from the original manufacturer's design.

(4) An owner may not authorize or knowingly permit a person to operate an electric personal assistive mobility device in violation of this section.

(5) A person may operate an electric personal assistive mobility device on a sidewalk if the operation does not:

(a) exceed a speed which is greater than is reasonable or prudent having due regard for weather, visibility, and pedestrians; or

(b) endanger the safety of other persons or property.

(6) A person operating an electric personal assistive mobility device shall yield to a pedestrian or other person using a mobility aid.

(7)(a) An electric personal assistive mobility device may be operated on:

(i) a path or trail designed for the use of a bicycle; or

(ii) on a highway where a bicycle is allowed[ ~~if the speed limit on the highway does not exceed 35 miles per hour.~~ ], including any lane designated for bicycle traffic regardless of the posted speed limit or number of general purpose lanes.

(b) A person operating an electric personal assistive mobility device in an area described in Subsection (7)(a)(i) or (ii) is subject to the laws governing bicycles.

(8) A person may operate an electric personal assistive mobility device at night if the device is equipped with or the operator is wearing:

(a) a lamp pointing to the front that emits a white light visible from a distance of not less than 300 feet in front of the device; and

(b) front, rear, and side reflectors.

(9) A person may not operate an electric personal assistive mobility device while carrying an article that prevents the person from keeping both hands on the handlebars or interferes with the person's ability to safely operate the electric personal assistive mobility device.

(10) Only one person may operate an electric personal assistive mobility device at a time.

(11) A person may not park an electric personal assistive mobility device on a highway or sidewalk in a manner that obstructs vehicular or pedestrian traffic.

(12) A person who violates this section is guilty of an infraction.

Section 7. Section **41-6a-1121** is enacted to read:

**41-6a-1121 (Effective 05/07/25). Electric unicycles.**

(1)(a) Except as otherwise provided in this section, an electric unicycle is subject to the provisions under this chapter for a bicycle.

(b) For an individual operating an electric unicycle, the following provisions do not apply:

(i) seating positions and handle bar usage under Sections 41-6a-1112 and 41-6a-1501;

(ii) required lights, horns, and mirrors under Section 41-6a-1506; and

(iii) driver licensing requirements under Section 53-3-202.

(c) A individual may operate an electric unicycle across a roadway in a crosswalk, except that the individual may not operate the electric unicycle in a negligent manner in the crosswalk:

(i) so as to collide with a:

(A) pedestrian; or

(B) individual operating a bicycle, vehicle, or device propelled by human power;

or

(ii) at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

(2) An individual may not operate an electric unicycle:

(a) on public property posted as an area prohibiting bicycles;

(b) that has been structurally or mechanically altered from the original manufacturer's

912 design, except for an alteration by, or done at the request of, an individual who rents  
913 the electric unicycle to lower the maximum speed for the electric unicycle; or  
914 (c) at a speed of greater than 28 miles per hour or in violation of Subsection  
915 41-6a-1115.1(3).

916 (3) A individual who violates this section is guilty of an infraction.

917 Section 8. Section **41-6a-1122** is enacted to read:

918 **41-6a-1122 (Effective 05/07/25). Self-balancing electric skateboards.**

919 (1) Except as otherwise provided in this section, a self-balancing electric skateboard is  
920 subject to the provisions under this chapter for a bicycle.

921 (2) For a person operating a self-balancing electric skateboard, the following provisions do  
922 not apply:

923 (a) any reference to seating positions and handle bar usage, including under Sections  
924 41-6a-1112 and 41-6a-1501;

925 (b) required lights, horns, and mirrors under Section 41-6a-1506; and

926 (c) driver licensing requirements under Section 53-3-202.

927 (3) A person may operate a self-balancing electric skateboard across a roadway in a  
928 crosswalk, except that the person may not operate the self-balancing electric skateboard  
929 in a negligent manner in the crosswalk:

930 (a) so as to collide with a:

931 (i) pedestrian; or

932 (ii) person operating a bicycle, vehicle, or device propelled by human power; or

933 (b) at a speed greater than is reasonable and prudent under the existing conditions,  
934 giving regard to the actual and potential hazards then existing.

935 Section 9. Section **41-6a-1642** is amended to read:

936 **41-6a-1642 (Effective 05/07/25). Emissions inspection -- County program.**

937 (1) The legislative body of each county required under federal law to utilize a motor vehicle  
938 emissions inspection and maintenance program or in which an emissions inspection and  
939 maintenance program is necessary to attain or maintain any national ambient air quality  
940 standard shall require:

941 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle is  
942 exempt from emissions inspection and maintenance program requirements be  
943 presented:

944 (i) as a condition of registration or renewal of registration; and

945 (ii) at other times as the county legislative body may require to enforce inspection

946 requirements for individual motor vehicles, except that the county legislative body  
947 may not routinely require a certificate of emissions inspection, or waiver of the  
948 certificate, more often than required under Subsection (9); and

949 (b) compliance with this section for a motor vehicle registered or principally operated in  
950 the county and owned by or being used by a department, division, instrumentality,  
951 agency, or employee of:

952 (i) the federal government;

953 (ii) the state and any of its agencies; or

954 (iii) a political subdivision of the state, including school districts.

955 (2)(a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions  
956 inspection and maintenance program certificate of emissions inspection as described  
957 in Subsection (1), but the program may not deny vehicle registration based solely on  
958 the presence of a defeat device covered in the Volkswagen partial consent decrees or  
959 a United States Environmental Protection Agency-approved vehicle modification in  
960 the following vehicles:

961 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
962 emissions are mitigated in the state pursuant to a partial consent decree, including:

963 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

964 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013,  
965 and 2014;

966 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

967 (D) Volkswagen Golf Sportwagen, model year 2015;

968 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

969 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;

970 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

971 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

972 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
973 emissions are mitigated in the state to a settlement, including:

974 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015,  
975 and 2016;

976 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

977 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;

978 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;

979 (E) Audi A8, model years 2014, 2015, and 2016;

(F) Audi A8L, model years 2014, 2015, and 2016;

(G) Audi Q5, model years 2014, 2015, and 2016; and

(H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

(b)(i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).

(ii) A county emissions program may not refuse to perform an emissions inspection or indicate a failed emissions test of the vehicle based solely on a modification to the engine or component of the motor vehicle if:

(A) the modification is not likely to result in the motor vehicle having increased emissions relative to the emissions of the motor vehicle before the modification; and

(B) the motor vehicle modification is a change to an engine that is newer than the engine with which the motor vehicle was originally equipped, or the engine includes technology that increases the facility of the administration of an emissions test, such as an on-board diagnostics system.

(iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to registration of a restored-modified vehicle:

(A) the owner shall present the signed statement described in Subsection 41-1a-226(4); and

(B) the county emissions program shall perform the emissions test.

(iv) If a motor vehicle is registered as a restored-modified vehicle and the registration certificate is notated as described in Subsection 41-1a-226(4), a county emissions program may not refuse to perform an emissions test based solely on the restored-modified status of the motor vehicle.

(3)(a) The legislative body of a county identified in Subsection (1), in consultation with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

(i) emissions standards;

(ii) test procedures;

(iii) inspections stations;

(iv) repair requirements and dollar limits for correction of deficiencies; and

(v) certificates of emissions inspections.

(b) In accordance with Subsection (3)(a), a county legislative body:

- 1014 (i) shall make regulations or ordinances to attain or maintain ambient air quality  
1015 standards in the county, consistent with the state implementation plan and federal  
1016 requirements;
- 1017 (ii) may allow for a phase-in of the program by geographical area; and  
1018 (iii) shall comply with the analyzer design and certification requirements contained in  
1019 the state implementation plan prepared under Title 19, Chapter 2, Air  
1020 Conservation Act.
- 1021 (c) The county legislative body and the Air Quality Board shall give preference to an  
1022 inspection and maintenance program that:
- 1023 (i) is decentralized, to the extent the decentralized program will attain and maintain  
1024 ambient air quality standards and meet federal requirements;
- 1025 (ii) is the most cost effective means to achieve and maintain the maximum benefit  
1026 with regard to ambient air quality standards and to meet federal air quality  
1027 requirements as related to vehicle emissions; and  
1028 (iii) provides a reasonable phase-out period for replacement of air pollution emission  
1029 testing equipment made obsolete by the program.
- 1030 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:
- 1031 (i) may be accomplished in accordance with applicable federal requirements; and  
1032 (ii) does not otherwise interfere with the attainment and maintenance of ambient air  
1033 quality standards.
- 1034 (4) The following vehicles are exempt from an emissions inspection program and the  
1035 provisions of this section:
- 1036 (a) an implement of husbandry as defined in Section 41-1a-102;
- 1037 (b) a motor vehicle that:
- 1038 (i) meets the definition of a farm truck under Section 41-1a-102; and  
1039 (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- 1040 (c) a vintage vehicle as defined in Section 41-21-1:
- 1041 (i) if the vintage vehicle has a model year of 1982 or older; or  
1042 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner  
1043 provides proof of vehicle insurance that is a type specific to a vehicle collector;
- 1044 (d) a custom vehicle as defined in Section 41-6a-1507;
- 1045 (e) a vehicle registered as a novel vehicle under Section 41-27-201;
- 1046 (f) to the extent allowed under the current federally approved state implementation plan,  
1047 in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor

- 1048 vehicle that is less than two years old on January 1 based on the age of the vehicle as  
1049 determined by the model year identified by the manufacturer;
- 1050 (g) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of  
1051 12,000 pounds or less, if the registered owner of the pickup truck provides a signed  
1052 statement to the legislative body stating the truck is used:
- 1053 (i) by the owner or operator of a farm located on property that qualifies as land in  
1054 agricultural use under Sections 59-2-502 and 59-2-503; and
- 1055 (ii) exclusively for the following purposes in operating the farm:
- 1056 (A) for the transportation of farm products, including livestock and its products,  
1057 poultry and its products, floricultural and horticultural products; and
- 1058 (B) in the transportation of farm supplies, including tile, fence, and every other  
1059 thing or commodity used in agricultural, floricultural, horticultural, livestock,  
1060 and poultry production and maintenance;
- 1061 (h) a motorcycle as defined in Section 41-1a-102;
- 1062 (i) an electric motor vehicle as defined in Section 41-1a-102;
- 1063 (j) a motor vehicle with a model year of 1967 or older; and
- 1064 (k) a roadable aircraft as defined in Section 72-10-102.
- 1065 (5) The county shall issue to the registered owner who signs and submits a signed statement  
1066 under Subsection (4)(g) a certificate of exemption from emissions inspection  
1067 requirements for purposes of registering the exempt vehicle.
- 1068 (6) A legislative body of a county described in Subsection (1) may exempt from an  
1069 emissions inspection program a diesel-powered motor vehicle with a:
- 1070 (a) gross vehicle weight rating of more than 14,000 pounds; or
- 1071 (b) model year of 1997 or older.
- 1072 (7) The legislative body of a county required under federal law to utilize a motor vehicle  
1073 emissions inspection program shall require:
- 1074 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
- 1075 (i) a model year of 2007 or newer;
- 1076 (ii) a gross vehicle weight rating of 14,000 pounds or less; and
- 1077 (iii) a model year that is five years old or older; and
- 1078 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
- 1079 (i) with a gross vehicle weight rating of 14,000 pounds or less;
- 1080 (ii) that has a model year of 1998 or newer; and
- 1081 (iii) that has a model year that is five years old or older.



- (8)(a) Subject to Subsection (8)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.
- (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (8).
- (c) The legislative body of a county shall make the reasons for implementing the provisions of this Subsection (8) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (8).
- (9)(a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in regulations or ordinances made under Subsection (3).
- (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (9)(c).
- (c)(i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.
- (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six years old on January 1.
- (iii) For a county required to implement a new vehicle emissions inspection and maintenance program on or after December 1, 2012, under Subsection (1), but for which no current federally approved state implementation plan exists, a vehicle shall be tested at a frequency determined by the county legislative body, in consultation with the Air Quality Board created under Section 19-1-106, that is necessary to comply with federal law or attain or maintain any national ambient air quality standard.

- 1116 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
1117 emissions inspection and maintenance program under Subsection (9)(c)(iii), the  
1118 establishment or change shall take effect on January 1 if the State Tax  
1119 Commission receives notice meeting the requirements of Subsection (9)(c)(v)  
1120 from the county before October 1.
- 1121 (v) The notice described in Subsection (9)(c)(iv) shall:
- 1122 (A) state that the county will establish or change the frequency of the vehicle  
1123 emissions inspection and maintenance program under this section;
- 1124 (B) include a copy of the ordinance establishing or changing the frequency; and
- 1125 (C) if the county establishes or changes the frequency under this section, state how  
1126 frequently the emissions testing will be required.
- 1127 (d) If an emissions inspection is only required every two years for a vehicle under  
1128 Subsection (9)(c), the inspection shall be required for the vehicle in:
- 1129 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 1130 (ii) in even-numbered years for vehicles with even-numbered model years.
- 1131 (10)(a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection  
1132 required under this section may be made no more than two months before the  
1133 renewal of registration.
- 1134 (b)(i) If the title of a used motor vehicle is being transferred, the owner may use an  
1135 emissions inspection certificate issued for the motor vehicle during the previous  
1136 11 months to satisfy the requirement under this section.
- 1137 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner  
1138 may use an emissions inspection certificate issued for the motor vehicle in a  
1139 licensed and bonded motor vehicle dealer's name during the previous 11 months to  
1140 satisfy the requirement under this section.
- 1141 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the  
1142 lessee may use an emissions inspection certificate issued during the previous 11  
1143 months to satisfy the requirement under this section.
- 1144 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not use  
1145 an emissions inspection made more than 11 months before the renewal of registration  
1146 to satisfy the requirement under this section.
- 1147 (e) If the application for renewal of registration is for a six-month registration period  
1148 under Section 41-1a-215.5, the owner may use an emissions inspection certificate  
1149 issued during the previous eight months to satisfy the requirement under this section.

- 1150 (11)(a) A county identified in Subsection (1) shall collect information about and monitor  
1151 the program.
- 1152 (b) A county identified in Subsection (1) shall supply this information to ~~[an appropriate~~  
1153 ~~legislative committee, as designated by the Legislative Management Committee, at~~  
1154 ~~times determined by the designated committee]~~ the Transportation Interim  
1155 Committee to identify program needs, including funding needs.
- 1156 (12) If approved by the county legislative body, a county that had an established emissions  
1157 inspection fee as of January 1, 2002, may increase the established fee that an emissions  
1158 inspection station may charge by \$2.50 for each year that is exempted from emissions  
1159 inspections under Subsection (9)(c) up to a \$7.50 increase.
- 1160 (13)(a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in  
1161 Subsection (1) may impose a local emissions compliance fee on each motor vehicle  
1162 registration within the county in accordance with the procedures and requirements of  
1163 Section 41-1a-1223.
- 1164 (b) A county that imposes a local emissions compliance fee may use revenues generated  
1165 from the fee for the establishment and enforcement of an emissions inspection and  
1166 maintenance program in accordance with the requirements of this section.
- 1167 (c) A county that imposes a local emissions compliance fee may use revenues generated  
1168 from the fee to promote programs to maintain a local, state, or national ambient air  
1169 quality standard.
- 1170 (14)(a) If a county has reason to believe that a vehicle owner has provided an address as  
1171 required in Section 41-1a-209 to register or attempt to register a motor vehicle in a  
1172 county other than the county of the bona fide residence of the owner in order to avoid  
1173 an emissions inspection required under this section, the county may investigate and  
1174 gather evidence to determine whether the vehicle owner has used a false address or  
1175 an address other than the vehicle owner's bona fide residence or place of business.
- 1176 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
1177 determines that the vehicle owner has used a false or improper address in an effort to  
1178 avoid an emissions inspection as required in this section, the county may impose a  
1179 civil penalty of \$1,000.
- 1180 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle  
1181 from an emissions inspection if:
- 1182 (a) the motor vehicle is 30 years old or older;
- 1183 (b) the county determines that the motor vehicle was driven less than 1,500 miles during

- 1184 the preceding 12-month period; and
- 1185 (c) the owner provides to the county legislative body a statement signed by the owner
- 1186 that states the motor vehicle:
- 1187 (i) is primarily a collector's item used for:
- 1188 (A) participation in club activities;
- 1189 (B) exhibitions;
- 1190 (C) tours; or
- 1191 (D) parades; or
- 1192 (ii) is only used for occasional transportation.

1193 Section 10. Section **53-2a-1102** is amended to read:

1194 **53-2a-1102 (Effective 05/07/25). Search and Rescue Financial Assistance**

1195 **Program -- Uses -- Rulemaking -- Distribution.**

- 1196 (1) As used in this section:
- 1197 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
- 1198 Program created within this section.
- 1199 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
- 1200 participant.
- 1201 (c) "Participant" means an individual, family, or group who is registered pursuant to this
- 1202 section as having a valid card at the time search, rescue, or both are provided.
- 1203 (d) "Program" means the Search and Rescue Financial Assistance Program created
- 1204 within this section.
- 1205 (e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to
- 1206 search and rescue activities.
- 1207 (ii) "Reimbursable base expenses" include:
- 1208 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;
- 1209 (B) replacement and upgrade of search and rescue equipment;
- 1210 (C) training of search and rescue volunteers;
- 1211 (D) costs of providing life insurance and workers' compensation benefits for
- 1212 volunteer search and rescue team members under Section 67-20-7.5; and
- 1213 (E) any other equipment or expenses necessary or appropriate for conducting
- 1214 search and rescue activities.
- 1215 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
- 1216 individual on a regular or permanent payroll, including permanent part-time
- 1217 employees of any agency of the state.

(f) "Rescue" means search services, rescue services, or both search and rescue services.

(2) There is created the Search and Rescue Financial Assistance Program within the division.

(3)(a) The financial program and the assistance card program shall be funded from the following revenue sources:

(i) any voluntary contributions to the state received for search and rescue operations;

(ii) money received by the state under Subsection (11) and under Sections 23A-4-209, 41-22-34, and 73-18-24;

(iii) money deposited under [~~Subsection 59-12-103(13)~~] Section 59-12-103 as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program;

(iv) contributions deposited in accordance with Section 41-1a-230.7; and

(v) appropriations made to the program by the Legislature.

(b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.

(c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.

(d) Funding for the program is nonlapsing.

(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:

(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;

(b) money available in the program; and

(c) rules made under Subsection (7).

(5) Money described in Subsection (3) may not be used to reimburse for any paid personnel costs or paid man hours spent in emergency response and search and rescue related activities.

(6) The Legislature finds that these funds are for a general and statewide public purpose.

(7) The division, with the approval of the Search and Rescue Advisory Board, shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section:

- 1252 (a) specifying the costs that qualify as reimbursable base expenses;  
1253 (b) defining the procedures of counties to submit expenses and be reimbursed;  
1254 (c) defining a participant in the assistance card program, including:  
1255 (i) individuals; and  
1256 (ii) families and organized groups who qualify as participants;  
1257 (d) defining the procedure for issuing a card to a participant;  
1258 (e) defining excluded expenses that may not be reimbursed under the program, including  
1259 medical expenses;  
1260 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
1261 Program;  
1262 (g) establishing the frequency of review of the fee schedule;  
1263 (h) providing for the administration of the program; and  
1264 (i) providing a formula to govern the distribution of available money among the counties  
1265 for uncompensated search and rescue expenses based on:  
1266 (i) the total qualifying expenses submitted;  
1267 (ii) the number of search and rescue incidents per county population;  
1268 (iii) the number of victims that reside outside the county; and  
1269 (iv) the number of volunteer hours spent in each county in emergency response and  
1270 search and rescue related activities per county population.
- 1271 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,  
1272 establish the fee schedule of the Utah Search and Rescue Assistance Card Program  
1273 under Subsection 63J-1-504(7).
- 1274 (b) The division shall provide a discount of not less than 10% of the card fee under  
1275 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,  
1276 or 73-18-24 during the same calendar year in which the person applies to be a  
1277 participant in the assistance card program.
- 1278 (9) Counties may not bill reimbursable base expenses to an individual for costs incurred for  
1279 the rescue of an individual, if the individual is a current participant in the Utah Search  
1280 and Rescue Assistance Card Program at the time of rescue, unless:  
1281 (a) the rescuing county finds that the participant acted recklessly in creating a situation  
1282 resulting in the need for the county to provide rescue services; or  
1283 (b) the rescuing county finds that the participant intentionally created a situation  
1284 resulting in the need for the county to provide rescue services.
- 1285 (10)(a) There is created the Utah Search and Rescue Assistance Card Program. The

program is located within the division.

(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11)(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 11. Section **53-2d-101** is amended to read:

**53-2d-101 (Effective 05/07/25). Definitions.**

As used in this chapter:

(1)(a)[(a)] (i) "911 ambulance or paramedic services" means:

[(i)] (A) either:

[(A)] (I) 911 ambulance service;

[(B)] (II) 911 paramedic service; or

[(C)] (III) both 911 ambulance and paramedic service; and

[(ii)] (B) a response to a 911 call received by a designated dispatch center that receives 911 or E911 calls.

[(b)] (ii) "911 ambulance or paramedic services" does not mean a seven or 10 digit telephone call received directly by an ambulance provider licensed under this chapter.

(2) "Air ambulance" means an ambulance that operates through air flight.

(3) "Air ambulance provider" means an ambulance provider that provides emergency medical services using an air ambulance.

[(2)] (4) "Ambulance" means a ground, air, or water vehicle that:

1320 (a) transports patients and is used to provide emergency medical services; and

1321 (b) is required to obtain a permit under Section 53-2d-404 to operate in the state.

1322 [~~(3)~~] (5) "Ambulance provider" means an emergency medical service provider that:

1323 (a) transports and provides emergency medical care to patients; and

1324 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1325 [~~(4)~~] (6) "Automatic external defibrillator" or "AED" means an automated or automatic  
1326 computerized medical device that:

1327 (a) has received pre-market notification approval from the United States Food and Drug  
1328 Administration, pursuant to 21 U.S.C. Sec. 360(k);

1329 (b) is capable of recognizing the presence or absence of ventricular fibrillation or rapid  
1330 ventricular tachycardia;

1331 (c) is capable of determining, without intervention by an operator, whether defibrillation  
1332 should be performed; and

1333 (d) upon determining that defibrillation should be performed, automatically charges,  
1334 enabling delivery of, or automatically delivers, an electrical impulse through the  
1335 chest wall and to an individual's heart.

1336 [~~(5)~~] (7)(a) "Behavioral emergency services" means delivering a behavioral health  
1337 intervention to a patient in an emergency context within a scope and in accordance  
1338 with guidelines established by the department.

1339 (b) "Behavioral emergency services" does not include engaging in the:

1340 (i) practice of mental health therapy as defined in Section 58-60-102;

1341 (ii) practice of psychology as defined in Section 58-61-102;

1342 (iii) practice of clinical social work as defined in Section 58-60-202;

1343 (iv) practice of certified social work as defined in Section 58-60-202;

1344 (v) practice of marriage and family therapy as defined in Section 58-60-302;

1345 (vi) practice of clinical mental health counseling as defined in Section 58-60-402; or

1346 (vii) practice as a substance use disorder counselor as defined in Section 58-60-502.

1347 [~~(6)~~] (8) "Bureau" means the Bureau of Emergency Medical Services created in Section  
1348 53-2d-102.

1349 [~~(7)~~] (9) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external  
1350 chest compression applied to a person who is unresponsive and not breathing.

1351 [~~(8)~~] (10) "Committee" means the Trauma System and Emergency Medical Services  
1352 Committee created by Section 53-2d-104.

1353 [~~(9)~~] (11) "Community paramedicine" means medical care:



(a) provided by emergency medical service personnel; and

(b) provided to a patient who is not:

(i) in need of ambulance transportation; or

(ii) located in a health care facility as defined in Section 26B-2-201.

~~[(10)]~~ (12) "Direct medical observation" means in-person observation of a patient by a physician, registered nurse, physician's assistant, or individual licensed under Section 26B-4-116.

~~[(11)]~~ (13) "Emergency medical condition" means:

(a) a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(i) placing the individual's health in serious jeopardy;

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any bodily organ or part; or

(b) a medical condition that in the opinion of a physician or the physician's designee requires direct medical observation during transport or may require the intervention of an individual licensed under Section 53-2d-402 during transport.

~~[(12)]~~ (14) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63H-7a-103, that is designated as an emergency medical dispatch center by the bureau.

~~[(13)]~~ (15)(a) "Emergency medical service personnel" means an individual who provides emergency medical services or behavioral emergency services to a patient and is required to be licensed or certified under Section 53-2d-402.

(b) "Emergency medical service personnel" includes a paramedic, medical director of a licensed emergency medical service provider, emergency medical service instructor, behavioral emergency services technician, other categories established by the committee, and a certified emergency medical dispatcher.

~~[(14)]~~ (16) "Emergency medical service providers" means:

(a) licensed ambulance providers and paramedic providers;

(b) a facility or provider that is required to be designated under Subsection 53-2d-403 (1)(a); and

(c) emergency medical service personnel.

~~[(15)]~~ (17) "Emergency medical services" means:

- 1388 (a) medical services;
- 1389 (b) transportation services;
- 1390 (c) behavioral emergency services; or
- 1391 (d) any combination of the services described in Subsections ~~[(15)(a)]~~ (17)(a) through (c).
- 1392 ~~[(16)]~~ (18) "Emergency medical service vehicle" means a land, air, or water vehicle that is:
- 1393 (a) maintained and used for the transportation of emergency medical personnel,
- 1394 equipment, and supplies to the scene of a medical emergency; and
- 1395 (b) required to be permitted under Section 53-2d-404.
- 1396 ~~[(17)]~~ (19) "Governing body":
- 1397 (a) means the same as that term is defined in Section 11-42-102; and
- 1398 (b) for purposes of a "special service district" under Section 11-42-102, means a special
- 1399 service district that has been delegated the authority to select a provider under this
- 1400 chapter by the special service district's legislative body or administrative control
- 1401 board.
- 1402 ~~[(18)]~~ (20) "Interested party" means:
- 1403 (a) a licensed or designated emergency medical services provider that provides
- 1404 emergency medical services within or in an area that abuts an exclusive geographic
- 1405 service area that is the subject of an application submitted pursuant to Part 5,
- 1406 Ambulance and Paramedic Providers;
- 1407 (b) any municipality, county, or fire district that lies within or abuts a geographic service
- 1408 area that is the subject of an application submitted pursuant to Part 5, Ambulance and
- 1409 Paramedic Providers; or
- 1410 (c) the department when acting in the interest of the public.
- 1411 ~~[(19)]~~ (21) "Level of service" means the level at which an ambulance provider type of
- 1412 service is licensed as:
- 1413 (a) emergency medical technician;
- 1414 (b) advanced emergency medical technician; or
- 1415 (c) paramedic.
- 1416 ~~[(20)]~~ (22) "Medical control" means a person who provides medical supervision to an
- 1417 emergency medical service provider.
- 1418 ~~[(21)]~~ (23) "Non-911 service" means transport of a patient that is not 911 transport under
- 1419 Subsection (1).
- 1420 ~~[(22)]~~ (24) "Nonemergency secured behavioral health transport" means an entity that:
- 1421 (a) provides nonemergency secure transportation services for an individual who:

1422 (i) is not required to be transported by an ambulance under Section 53-2d-405; and

1423 (ii) requires behavioral health observation during transport between any of the  
1424 following facilities:

1425 (A) a licensed acute care hospital;

1426 (B) an emergency patient receiving facility;

1427 (C) a licensed mental health facility; and

1428 (D) the office of a licensed health care provider; and

1429 (b) is required to be designated under Section 53-2d-403.

1430 ~~[(23)]~~ (25) "Paramedic provider" means an entity that:

1431 (a) employs emergency medical service personnel; and

1432 (b) is required to obtain a license under Part 5, Ambulance and Paramedic Providers.

1433 ~~[(24)]~~ (26) "Patient" means an individual who, as the result of illness, injury, or a behavioral  
1434 emergency condition, meets any of the criteria in Section 26B-4-119.

1435 ~~[(25)]~~ (27) "Political subdivision" means:

1436 (a) a city or town;

1437 (b) a county;

1438 (c) a special service district created under Title 17D, Chapter 1, Special Service District  
1439 Act, for the purpose of providing fire protection services under Subsection 17D-1-201  
1440 (9);

1441 (d) a special district created under Title 17B, Limited Purpose Local Government  
1442 Entities - Special Districts, for the purpose of providing fire protection, paramedic,  
1443 and emergency services;

1444 (e) areas coming together as described in Subsection 53-2d-505.2(2)(b)(ii); or

1445 (f) an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act.

1446 ~~[(26)]~~ (28) "Sudden cardiac arrest" means a life-threatening condition that results when a  
1447 person's heart stops or fails to produce a pulse.

1448 ~~[(27)]~~ (29) "Trauma" means an injury requiring immediate medical or surgical intervention.

1449 ~~[(28)]~~ (30) "Trauma system" means a single, statewide system that:

1450 (a) organizes and coordinates the delivery of trauma care within defined geographic  
1451 areas from the time of injury through transport and rehabilitative care; and

1452 (b) is inclusive of all prehospital providers, hospitals, and rehabilitative facilities in  
1453 delivering care for trauma patients, regardless of severity.

1454 ~~[(29)]~~ (31) "Triage" means the sorting of patients in terms of disposition, destination, or  
1455 priority. For prehospital trauma victims, triage requires a determination of injury

severity to assess the appropriate level of care according to established patient care protocols.

~~[(30)]~~ (32) "Triage, treatment, transportation, and transfer guidelines" means written procedures that:

- (a) direct the care of patients; and
- (b) are adopted by the medical staff of an emergency patient receiving facility, trauma center, or an emergency medical service provider.

~~[(31)]~~ (33) "Type of service" means the category at which an ambulance provider is licensed as:

- (a) ground ambulance transport;
- (b) ground ambulance interfacility transport; or
- (c) both ground ambulance transport and ground ambulance interfacility transport.

Section 12. Section **53-2d-517** is enacted to read:

**53-2d-517 (Effective 05/07/25). Air ambulance requirements.**

(1) A licensed air ambulance provider shall provide to all emergency medical dispatch centers the real-time location and availability of the air ambulance using statewide software that updates from a location transponder or computer-aided dispatch interface.

(2) An emergency medical dispatch center shall dispatch an air ambulance that the emergency medical dispatch center determines:

- (a) is nearest to the location requiring emergency medical services;
- (b) is readily available; and
- (c) is the most appropriate air ambulance provider for the particular emergency circumstance based on the needs of the patient and the capabilities of the air ambulance provider.

(3) An air ambulance that is currently transporting a patient may not:

- (a) be dispatched for a different emergency medical situation; or
- (b) deviate from the current emergency service and patient to respond to a different emergency medical dispatch communication.

Section 13. Section **59-12-103** is amended to read:

**59-12-103 (Effective 07/01/25). Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenue.**

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

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

- 1490 (b) amounts paid for:
- 1491 (i) telecommunications service, other than mobile telecommunications service, that
- 1492 originates and terminates within the boundaries of this state;
- 1493 (ii) mobile telecommunications service that originates and terminates within the
- 1494 boundaries of one state only to the extent permitted by the Mobile
- 1495 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 1496 (iii) an ancillary service associated with a:
- 1497 (A) telecommunications service described in Subsection (1)(b)(i); or
- 1498 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 1499 (c) sales of the following for commercial use:
- 1500 (i) gas;
- 1501 (ii) electricity;
- 1502 (iii) heat;
- 1503 (iv) coal;
- 1504 (v) fuel oil; or
- 1505 (vi) other fuels;
- 1506 (d) sales of the following for residential use:
- 1507 (i) gas;
- 1508 (ii) electricity;
- 1509 (iii) heat;
- 1510 (iv) coal;
- 1511 (v) fuel oil; or
- 1512 (vi) other fuels;
- 1513 (e) sales of prepared food;
- 1514 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1515 user fees for theaters, movies, operas, museums, planetariums, shows of any type or
- 1516 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,
- 1517 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling
- 1518 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
- 1519 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
- 1520 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
- 1521 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
- 1522 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
- 1523 activity;

- 1524 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
1525 property, unless Section 59-12-104 provides for an exemption from sales and use tax  
1526 for:
- 1527 (i) the tangible personal property; and  
1528 (ii) parts used in the repairs or renovations of the tangible personal property described  
1529 in Subsection (1)(g)(i), regardless of whether:
- 1530 (A) any parts are actually used in the repairs or renovations of that tangible  
1531 personal property; or  
1532 (B) the particular parts used in the repairs or renovations of that tangible personal  
1533 property are exempt from a tax under this chapter;
- 1534 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted  
1535 cleaning or washing of tangible personal property;
- 1536 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer  
1537 court accommodations and services;
- 1538 (j) amounts paid or charged for laundry or dry cleaning services;
- 1539 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
1540 this state the tangible personal property is:
- 1541 (i) stored;  
1542 (ii) used; or  
1543 (iii) otherwise consumed;
- 1544 (l) amounts paid or charged for tangible personal property if within this state the tangible  
1545 personal property is:
- 1546 (i) stored;  
1547 (ii) used; or  
1548 (iii) consumed;
- 1549 (m) amounts paid or charged for a sale:
- 1550 (i)(A) of a product transferred electronically; or  
1551 (B) of a repair or renovation of a product transferred electronically; and  
1552 (ii) regardless of whether the sale provides:
- 1553 (A) a right of permanent use of the product; or  
1554 (B) a right to use the product that is less than a permanent use, including a right:
- 1555 (I) for a definite or specified length of time; and  
1556 (II) that terminates upon the occurrence of a condition; and
- 1557 (n) sales of leased tangible personal property from the lessor to the lessee made in the

1558 state.

1559 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are  
1560 imposed on a transaction described in Subsection (1) equal to the sum of:

1561 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1562 (A) 4.70% plus the rate specified in Subsection (11)(a); and

1563 (B)(I) the tax rate the state imposes in accordance with Part 18, Additional

1564 State Sales and Use Tax Act, if the location of the transaction as determined

1565 under Sections 59-12-211 through 59-12-215 is in a county in which the

1566 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;

1567 and

1568 (II) the tax rate the state imposes in accordance with Part 20, Supplemental

1569 State Sales and Use Tax Act, if the location of the transaction as determined

1570 under Sections 59-12-211 through 59-12-215 is in a city, town, or the

1571 unincorporated area of a county in which the state imposes the tax under

1572 Part 20, Supplemental State Sales and Use Tax Act; and

1573 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1574 transaction under this chapter other than this part.

1575 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state  
1576 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal  
1577 to the sum of:

1578 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1579 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1580 transaction under this chapter other than this part.

1581 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed  
1582 on amounts paid or charged for food and food ingredients equal to the sum of:

1583 (i) a state tax imposed on the amounts paid or charged for food and food ingredients  
1584 at a tax rate of 1.75%; and

1585 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1586 amounts paid or charged for food and food ingredients under this chapter other  
1587 than this part.

1588 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid  
1589 or charged for fuel to a common carrier that is a railroad for use in a locomotive  
1590 engine at a rate of 4.85%.

1591 (e)(i)(A) If a shared vehicle owner certifies to the commission, on a form

prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle owner.

(B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.

(C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.

(D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.

(ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

(iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).

(B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

(iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

(v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.

(vi) A car-sharing program shall:

(A) retain tax information for each car-sharing program transaction; and

(B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.

(f)(i) For a bundled transaction that is attributable to food and food ingredients and



tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:

(A) a state tax imposed on the entire bundled transaction equal to the sum of:

(I) the tax rate described in Subsection (2)(a)(i)(A); and

(II)(Aa) the tax rate the state imposes in accordance with Part 18,

Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(Bb) the tax rate the state imposes in accordance with Part 20, Supplemental

State Sales and Use Tax Act, if the location of the transaction as

determined under Sections 59-12-211 through 59-12-215 is in a city,

town, or the unincorporated area of a county in which the state imposes

the tax under Part 20, Supplemental State Sales and Use Tax Act; and

(B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

(ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

(iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):

(A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:

(I) the seller is able to identify by reasonable and verifiable standards the

tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or

(II) state or federal law provides otherwise; or

(B) if the sales price of a bundled transaction is attributable to two or more items

of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:

- (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or
- (II) state or federal law provides otherwise.

(iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(g)(i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:

(A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

(B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(ii) A purchaser and a seller may correct the taxability of a transaction if:

(A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and

(B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the

seller keeps in the regular course of business for nontax purposes.

- (h)(i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
  - (B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.
- (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:
- (i) Subsection (2)(a)(i)(A);
  - (ii) Subsection (2)(b)(i);
  - (iii) Subsection (2)(c)(i); or
  - (iv) Subsection (2)(f)(i)(A)(I).
- (j)(i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:
- (A) Subsection (2)(a)(i)(A);
  - (B) Subsection (2)(b)(i);
  - (C) Subsection (2)(c)(i); or
  - (D) Subsection (2)(f)(i)(A)(I).
- (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:
- (A) Subsection (2)(a)(i)(A);
  - (B) Subsection (2)(b)(i);

- 1728 (C) Subsection (2)(c)(i); or  
1729 (D) Subsection (2)(f)(i)(A)(I).
- 1730 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale  
1731 is computed on the basis of sales and use tax rates published in the catalogue, a  
1732 tax rate repeal or change in a tax rate takes effect:  
1733 (A) on the first day of a calendar quarter; and  
1734 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate  
1735 change.
- 1736 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:  
1737 (A) Subsection (2)(a)(i)(A);  
1738 (B) Subsection (2)(b)(i);  
1739 (C) Subsection (2)(c)(i); or  
1740 (D) Subsection (2)(f)(i)(A)(I).
- 1741 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1742 the commission may by rule define the term "catalogue sale."
- 1743 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine  
1744 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel  
1745 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other  
1746 fuel at the location.
- 1747 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
1748 or other fuel is furnished through a single meter for two or more of the following  
1749 uses:  
1750 (A) a commercial use;  
1751 (B) an industrial use; or  
1752 (C) a residential use.
- 1753 (3)(a) The following state taxes shall be deposited into the General Fund:  
1754 (i) the tax imposed by Subsection (2)(a)(i)(A);  
1755 (ii) the tax imposed by Subsection (2)(b)(i);  
1756 (iii) the tax imposed by Subsection (2)(c)(i); and  
1757 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1758 (b) The following local taxes shall be distributed to a county, city, or town as provided  
1759 in this chapter:  
1760 (i) the tax imposed by Subsection (2)(a)(ii);  
1761 (ii) the tax imposed by Subsection (2)(b)(ii);

- 1762 (iii) the tax imposed by Subsection (2)(c)(ii); and  
1763 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1764 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1765 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1766 2003, the lesser of the following amounts shall be expended as provided in  
1767 Subsections (4)(b) through (g):
- 1768 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:  
1769 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and  
1770 (B) for the fiscal year; or  
1771 (ii) \$17,500,000.
- 1772 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
1773 described in Subsection (4)(a) shall be transferred each year as designated sales  
1774 and use tax revenue to the Division of Wildlife Resources to:
- 1775 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d)  
1776 to protect sensitive plant and animal species; or  
1777 (B) award grants, up to the amount authorized by the Legislature in an  
1778 appropriations act, to political subdivisions of the state to implement the  
1779 measures described in Subsections 23A-3-214(3)(a) through (d) to protect  
1780 sensitive plant and animal species.
- 1781 (ii) Money transferred to the Division of Wildlife Resources under Subsection  
1782 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or  
1783 any other person to list or attempt to have listed a species as threatened or  
1784 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et  
1785 seq.
- 1786 (iii) At the end of each fiscal year:
- 1787 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to  
1788 the Water Resources Conservation and Development Fund created in Section  
1789 73-10-24;
- 1790 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1791 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and  
1792 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1793 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1794 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1795 Subsection (4)(a) shall be deposited each year in the Agriculture Resource

Development Fund created in Section 4-18-106.

(d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of water rights.

(ii) At the end of each fiscal year:

(A) 50% of any unexpended designated sales and use tax revenue shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24;

(B) 25% of any unexpended designated sales and use tax revenue shall lapse to the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

(C) 25% of any unexpended designated sales and use tax revenue shall lapse to the Drinking Water Loan Program Subaccount created in Section 73-10c-5.

(e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

(ii) In addition to the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:

(A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;

(B) fund state required dam safety improvements; and

(C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.

(f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

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

in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:

- (i) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;
- (ii) develop underground sources of water, including springs and wells; and
- (iii) develop surface water sources.

(5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2006, the difference between the following amounts shall be expended as provided in this Subsection (5), if that difference is greater than \$1:

- (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and
- (ii) \$17,500,000.

(b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

- (A) transferred each fiscal year to the Department of Natural Resources as designated sales and use tax revenue; and
- (B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.

(ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.

(c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the remaining difference described in Subsection (5)(a) shall be:

- (A) transferred each fiscal year to the Division of Water Resources as designated sales and use tax revenue; and
- (B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.

(ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.

(d) After making the transfers required by Subsections (5)(b) and (c), 85% of the remaining difference described in Subsection (5)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:

- 1864 (i) preconstruction costs:
- 1865 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,
- 1866 Chapter 26, Bear River Development Act; and
- 1867 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
- 1868 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1869 (ii) the cost of employing a civil engineer to oversee any project authorized by Title
- 1870 73, Chapter 26, Bear River Development Act;
- 1871 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline
- 1872 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development
- 1873 Act; and
- 1874 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
- 1875 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)
- 1876 through (iii).
- 1877 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
- 1878 remaining difference described in Subsection (5)(a) shall be deposited each year into
- 1879 the Water Rights Restricted Account created by Section 73-2-1.6.
- 1880 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each
- 1881 fiscal year, the commission shall deposit into the Water Infrastructure Restricted
- 1882 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax
- 1883 rate on the transactions described in Subsection (1) for the fiscal year.
- 1884 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),
- 1885 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into
- 1886 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of
- 1887 the taxes listed under Subsection (3)(a) equal to [~~17%~~] 24% of the revenue collected
- 1888 from the following sales and use taxes:
- 1889 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1890 (ii) the tax imposed by Subsection (2)(b)(i);
- 1891 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1892 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1893 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall
- 1894 annually reduce the deposit under Subsection (7)(a) into the Transportation
- 1895 Investment Fund of 2005 by an amount equal to .44% of the revenue collected
- 1896 from the following sales and use taxes:
- 1897 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;



- 1898 (B) the tax imposed by Subsection (2)(b)(i);  
1899 (C) the tax imposed by Subsection (2)(c)(i); and  
1900 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1901 (ii) The commission shall annually deposit the amount described in Subsection  
1902 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in  
1903 Section 72-2-124.
- 1904 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
1905 2023, the commission shall annually reduce the deposit into the Transportation  
1906 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is  
1907 equal to 5% of:
- 1908 (A) the amount of revenue generated in the current fiscal year by the portion of  
1909 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue  
1910 collected from taxes described in Subsections (7)(a)(i) through (iv);  
1911 (B) the amount of revenue generated in the current fiscal year by registration fees  
1912 designated under Section 41-1a-1201 to be deposited into the Transportation  
1913 Investment Fund of 2005; and  
1914 (C) revenue transferred by the Division of Finance to the Transportation  
1915 Investment Fund of 2005 in accordance with Section 72-2-106 in the current  
1916 fiscal year.
- 1917 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
1918 given fiscal year.
- 1919 (iii) The commission shall annually deposit the amount described in Subsection  
1920 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection  
1921 72-2-124(11).
- 1922 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall  
1923 annually reduce the deposit into the Transportation Investment Fund of 2005  
1924 under this Subsection (7) by an amount that is equal to 1% of the revenue  
1925 collected from the following sales and use taxes:
- 1926 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;  
1927 (B) the tax imposed by Subsection (2)(b)(i);  
1928 (C) the tax imposed by Subsection (2)(c)(i); and  
1929 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1930 (ii) The commission shall annually deposit the amount described in Subsection  
1931 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.

- (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsection (7), and subject to [~~Subsections (8)(b) and (d)(ii)~~] Subsection (8)(b), for a fiscal year beginning on or after July 1, 2018, the commission shall annually deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue collected from the following taxes:
- (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
  - (ii) the tax imposed by Subsection (2)(b)(i);
  - (iii) the tax imposed by Subsection (2)(c)(i); and
  - (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- (c) The commission shall annually deposit the amount described in Subsection (8)(b) into the Transit Transportation Investment Fund created in Section 72-2-124.
- (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal year during which the commission receives notice under Section 63N-2-510 that construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in Section 63N-2-512.
- (11)(a) The rate specified in this subsection is 0.15%.
- (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in Section 26B-1-315.
- (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated

credit solely for use of the Search and Rescue Financial Assistance Program created in, and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall transfer the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the General Fund.]~~

~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning the first day of the calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.

~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:

- (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- (b) the tax imposed by Subsection (2)(b)(i);
- (c) the tax imposed by Subsection (2)(c)(i); and
- (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

~~[(16)]~~ (15) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission shall transfer to the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as defined in Section 11-70-101.

~~[(17)]~~ (16)(a) As used in this Subsection ~~[(17)]~~ (16):

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

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

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

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

(c) The distribution under Subsection [~~(17)(b)~~] (16)(b) shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map that:

(i) accurately describes the point of the mountain state land; and

(ii) the point of the mountain authority certifies as accurate.

(d) A distribution under Subsection [~~(17)(b)~~] (16)(b) with respect to additional land shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map of point of the mountain state land that:

(i) accurately describes the point of the mountain state land, including the additional land; and

(ii) the point of the mountain authority certifies as accurate.

(e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (16)(b), the point of the mountain authority shall immediately notify the commission in writing that the bonds are paid in full.

(ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection [~~(17)(b)~~] (16)(b) at the beginning of the calendar quarter that begins at least 90 days after the date that the commission receives the written notice under Subsection [~~(17)(e)(i)~~] (16)(e)(i).

Section 14. Section **59-12-2212.2** is amended to read:

**59-12-2212.2 (Effective 05/07/25). Allowable uses of local option sales and use tax revenue.**

(1) Except as otherwise provided in this part, a county, city, or town that imposes a local option sales and use tax under this part may expend the revenue generated from the local option sales and use tax for the following purposes:

- 2034 (a) the development, construction, maintenance, or operation of:
- 2035 (i) a class A road;
- 2036 (ii) a class B road;
- 2037 (iii) a class C road;
- 2038 (iv) a class D road;
- 2039 (v) traffic and pedestrian safety infrastructure, including:
- 2040 (A) a sidewalk;
- 2041 (B) curb and gutter;
- 2042 (C) a safety feature;
- 2043 (D) a traffic sign;
- 2044 (E) a traffic signal; or
- 2045 (F) street lighting;
- 2046 (vi) streets, alleys, roads, highways, and thoroughfares of any kind, including
- 2047 connected structures;
- 2048 (vii) an airport facility;
- 2049 (viii) an active transportation facility that is for nonmotorized vehicles and
- 2050 multimodal transportation and connects an origin with a destination; or
- 2051 (ix) an intelligent transportation system;
- 2052 (b) a system for public transit;
- 2053 (c) all other modes and forms of conveyance used by the public;
- 2054 (d) debt service or bond issuance costs related to a project or facility described in
- 2055 Subsections (1)(a) through (c); or
- 2056 (e) corridor preservation related to a project or facility described in Subsections (1)(a)
- 2057 through (c).
- 2058 (2) Any revenue subject to rights or obligations under a contract between a county, city, or
- 2059 town and a public transit district entered into before January 1, 2019, remains subject to
- 2060 existing contractual rights and obligations.
- 2061 (3) In addition to the uses described in Subsection (1), for any revenue generated by a sales
- 2062 and use tax imposed under Section 59-12-2219 that is not contractually obligated for
- 2063 debt service, the percentage described in Subsection 59-12-2219(11) shall be made
- 2064 available for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4,
- 2065 Public Transit Innovation Grants.
- 2066 Section 15. Section **59-12-2219** is amended to read:
- 2067 **59-12-2219 (Effective 05/07/25). County option sales and use tax for highways**

**and public transit -- Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant existing budgeted transportation revenue.**

- (1) Subject to the other provisions of this part, and subject to Subsection (13), a county legislative body may impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1) within the county, including the cities and towns within the county.
- (2) Subject to Subsection (9), the commission shall distribute sales and use tax revenue collected under this section as provided in Subsections (3) through (8).
- (3) If the entire boundary of a county that imposes a sales and use tax under this section is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:
- (a) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
  - (b) .10% shall be distributed as provided in Subsection (6); and
  - (c) .05% shall be distributed to the county legislative body.
- (4) If the entire boundary of a county that imposes a sales and use tax under this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single large public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:
- (a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:
    - (i) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
    - (ii) .10% shall be distributed as provided in Subsection (6); and
    - (iii) .05% shall be distributed to the county legislative body;
  - (b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:
    - (i) .10% shall be transferred to the eligible political subdivision in accordance with Section 59-12-2206;
    - (ii) .10% shall be distributed as provided in Subsection (6); and
    - (iii) .05% shall be distributed to the county legislative body; and
  - (c) the commission shall distribute the sales and use tax revenue, except for the sales and

- 2102 use tax revenue described in Subsections (4)(a) and (b), as follows:
- 2103 (i) .10% shall be distributed as provided in Subsection (6); and
- 2104 (ii) .15% shall be distributed to the county legislative body.
- 2105 (5) For a county not described in Subsection (3) or (4), if a county of the second, third,
- 2106 fourth, fifth, or sixth class imposes a sales and use tax under this section, the
- 2107 commission shall distribute the sales and use tax revenue collected within the county as
- 2108 follows:
- 2109 (a) for a city or town within the county that is annexed into a single public transit
- 2110 district, the commission shall distribute the sales and use tax revenue collected within
- 2111 that city or town as follows:
- 2112 (i) .10% shall be distributed as provided in Subsection (6);
- 2113 (ii) .10% shall be distributed as provided in Subsection (7); and
- 2114 (iii) .05% shall be distributed to the county legislative body;
- 2115 (b) for an eligible political subdivision within the county, the commission shall
- 2116 distribute the sales and use tax revenue collected within that eligible political
- 2117 subdivision as follows:
- 2118 (i) .10% shall be distributed as provided in Subsection (6);
- 2119 (ii) .10% shall be distributed as provided in Subsection (7); and
- 2120 (iii) .05% shall be distributed to the county legislative body; and
- 2121 (c) the commission shall distribute the sales and use tax revenue, except for the sales and
- 2122 use tax revenue described in Subsections (5)(a) and (b), as follows:
- 2123 (i) .10% shall be distributed as provided in Subsection (6); and
- 2124 (ii) .15% shall be distributed to the county legislative body.
- 2125 (6)(a) Subject to Subsection (6)(b), the commission shall make the distributions required
- 2126 by Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and
- 2127 (7)(d)(ii)(A) as follows:
- 2128 (i) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),
- 2129 (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and
- 2130 cities that impose a tax under this section shall be distributed to the
- 2131 unincorporated areas, cities, and towns within those counties and cities on the
- 2132 basis of the percentage that the population of each unincorporated area, city, or
- 2133 town bears to the total population of all of the counties and cities that impose a tax
- 2134 under this section; and
- 2135 (ii) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),

(4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and (7)(d)(ii)(A) within the counties and cities that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties and cities on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

(b)(i) Population for purposes of this Subsection (6) shall be determined on the basis of the most recent official census or census estimate of the United States Bureau of the Census.

(ii) If a needed population estimate is not available from the United States Bureau of the Census, population figures shall be derived from an estimate from the Utah Population Committee.

(7)(a)(i) Subject to the requirements in Subsections (7)(b) and (c), a county legislative body:

(A) for a county that obtained approval from a majority of the county's registered voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016, may, in consultation with any cities, towns, or eligible political subdivisions within the county, and in compliance with the requirements for changing an allocation under Subsection (7)(e), allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision; or

(B) for a county that imposes a sales and use tax under this section on or after May 10, 2016, shall, in consultation with any cities, towns, or eligible political subdivisions within the county, allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

(ii) If a county described in Subsection (7)(a)(i)(A) does not allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) in accordance with Subsection (7)(a)(i)(A), the commission shall distribute 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to:

(A) a public transit district for a city or town within the county that is annexed into a single public transit district; or

(B) an eligible political subdivision within the county.



- 2170 (b) If a county legislative body allocates the revenue as described in Subsection (7)(a)(i),  
2171 the county legislative body shall allocate not less than 25% of the revenue under  
2172 Subsection (5)(a)(ii) or (5)(b)(ii) to:
- 2173 (i) a public transit district for a city or town within the county that is annexed into a  
2174 single public transit district; or
  - 2175 (ii) an eligible political subdivision within the county.
- 2176 (c) Notwithstanding Section 59-12-2208, the opinion question described in Section  
2177 59-12-2208 shall state the allocations the county legislative body makes in  
2178 accordance with this Subsection (7).
- 2179 (d) The commission shall make the distributions required by Subsection (5)(a)(ii) or  
2180 (5)(b)(ii) as follows:
- 2181 (i) the percentage specified by a county legislative body shall be distributed in  
2182 accordance with a resolution adopted by a county legislative body under  
2183 Subsection (7)(a) to an eligible political subdivision or a public transit district  
2184 within the county; and
  - 2185 (ii) except as provided in Subsection (7)(a)(ii), if a county legislative body allocates  
2186 less than 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to a public  
2187 transit district or an eligible political subdivision, the remainder of the revenue  
2188 under Subsection (5)(a)(ii) or (5)(b)(ii) not allocated by a county legislative body  
2189 through a resolution under Subsection (7)(a) shall be distributed as follows:
    - 2190 (A) 50% of the revenue as provided in Subsection (6); and
    - 2191 (B) 50% of the revenue to the county legislative body.
- 2192 (e) If a county legislative body seeks to change an allocation specified in a resolution  
2193 under Subsection (7)(a), the county legislative body may change the allocation by:
- 2194 (i) adopting a resolution in accordance with Subsection (7)(a) specifying the  
2195 percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be  
2196 allocated to a public transit district or an eligible political subdivision;
  - 2197 (ii) obtaining approval to change the allocation of the sales and use tax by a majority  
2198 of all the members of the county legislative body; and
  - 2199 (iii) subject to Subsection (7)(f):
    - 2200 (A) in accordance with Section 59-12-2208, submitting an opinion question to the  
2201 county's registered voters voting on changing the allocation so that each  
2202 registered voter has the opportunity to express the registered voter's opinion on  
2203 whether the allocation should be changed; and

(B) in accordance with Section 59-12-2208, obtaining approval to change the allocation from a majority of the county's registered voters voting on changing the allocation.

(f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection (7)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance with Subsection (7)(e) and approved by the county legislative body in accordance with Subsection (7)(e)(ii).

(g)(i) If a county makes an allocation by adopting a resolution under Subsection (7)(a) or changes an allocation by adopting a resolution under Subsection (7)(e), the allocation shall take effect on the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice meeting the requirements of Subsection (7)(g)(ii) from the county.

(ii) The notice described in Subsection (7)(g)(i) shall state:

(A) that the county will make or change the percentage of an allocation under Subsection (7)(a) or (e); and

(B) the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

(8)(a) If a public transit district is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit district of the organization of the public transit district.

(b) If an eligible political subdivision intends to provide public transit service within a county after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the eligible political subdivision stating that the eligible political subdivision intends to provide public transit service within the county.

(9)(a)(i) Notwithstanding Subsections (3) through (8), for a county that has not imposed a sales and use tax under this section before May 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019, the commission shall distribute all of the sales and use tax revenue collected by the county before June 30, 2019, to the county for the purposes described in

2238 Subsection (9)(a)(ii).

2239 (ii) For any revenue collected by a county pursuant to Subsection (9)(a)(i) before  
2240 June 30, 2019, the county may expend that revenue for:

2241 (A) reducing transportation related debt;

2242 (B) a regionally significant transportation facility; or

2243 (C) a public transit project of regional significance.

2244 (b) For a county that has not imposed a sales and use tax under this section before May  
2245 8, 2018, and if the county imposes a sales and use tax under this section before June  
2246 30, 2019, the commission shall distribute the sales and use tax revenue collected by  
2247 the county on or after July 1, 2019, as described in Subsections (3) through (8).

2248 (c) For a county that has not imposed a sales and use tax under this section before June  
2249 30, 2019, if the entire boundary of that county is annexed into a large public transit  
2250 district, and if the county imposes a sales and use tax under this section on or after  
2251 July 1, 2019, the commission shall distribute the sales and use tax revenue collected  
2252 by the county as described in Subsections (3) through (8).

2253 (10) A county, city, or town may expend revenue collected from a tax under this section,  
2254 except for revenue the commission distributes in accordance with Subsection (3)(a),  
2255 (4)(a)(i), (4)(b)(i), or (7)(d)(i), for a purpose described in Section 59-12-2212.2.

2256 (11)(a) A public transit district or an eligible political subdivision may expend revenue  
2257 the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i),  
2258 or (7)(d)(i) for capital expenses and service delivery expenses of the public transit  
2259 district or eligible political subdivision.

2260 (b) As provided in Section 59-12-2212.2, for the .10% designated for public transit  
2261 described in Subsection (3)(a) that is not contractually obligated for debt service,  
2262 beginning on July 1, [2025] 2026, a public transit district shall make available to the  
2263 Department of Transportation an amount equal to 10% of the .10% to be used for  
2264 public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public  
2265 Transit Innovation Grants.

2266 (12) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may, but  
2267 is not required to, submit an opinion question to the county's, city's, or town's registered  
2268 voters in accordance with Section 59-12-2208 to impose a sales and use tax under this  
2269 section.

2270 (13)(a)(i) Notwithstanding any other provision in this section, if the entire boundary  
2271 of a county is annexed into a large public transit district, if the county legislative

body wishes to impose a sales and use tax under this section, the county legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

(ii) If the entire boundary of a county is annexed into a large public transit district, the county legislative body may not pass an ordinance to impose a sales and use tax under this section on or after July 1, 2022.

(b) Notwithstanding the deadline described in Subsection (13)(a), any sales and use tax imposed under this section by passage of a county ordinance on or before June 30, 2022, may remain in effect.

(14)(a) Beginning on July 1, 2020, and subject to Subsection (15), if a county has not imposed a sales and use tax under this section, subject to the provisions of this part, the legislative body of a city or town described in Subsection (14)(b) may impose a .25% sales and use tax on the transactions described in Subsection 59-12-103(1) within the city or town.

(b) The following cities or towns may impose a sales and use tax described in Subsection (14)(a):

- (i) a city or town that has been annexed into a public transit district; or
- (ii) an eligible political subdivision.

(c) If a city or town imposes a sales and use tax as provided in this section, the commission shall distribute the sales and use tax revenue collected by the city or town as follows:

- (i) .125% to the city or town that imposed the sales and use tax, to be distributed as provided in Subsection (6); and
- (ii) .125%, as applicable, to:
  - (A) the public transit district in which the city or town is annexed; or
  - (B) the eligible political subdivision for public transit services.

(d) If a city or town imposes a sales and use tax under this section and the county subsequently imposes a sales and use tax under this section, the commission shall distribute the sales and use tax revenue collected within the city or town as described in Subsection (14)(c).

(15)(a)(i) Notwithstanding any other provision in this section, if a city or town legislative body wishes to impose a sales and use tax under this section, the city or town legislative body shall pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

- 2306 (ii) A city or town legislative body may not pass an ordinance to impose a sales and  
2307 use tax under this section on or after July 1, 2022.
- 2308 (b) Notwithstanding the deadline described in Subsection (15)(a), any sales and use tax  
2309 imposed under this section by passage of an ordinance by a city or town legislative  
2310 body on or before June 30, 2022, may remain in effect.
- 2311 Section 16. Section **59-12-2220** is amended to read:
- 2312 **59-12-2220 (Effective 05/07/25). County option sales and use tax to fund**  
2313 **highways or a system for public transit -- Base -- Rate.**
- 2314 (1) Subject to the other provisions of this part and subject to the requirements of this  
2315 section, the following counties may impose a sales and use tax under this section:
- 2316 (a) a county legislative body may impose the sales and use tax on the transactions  
2317 described in Subsection 59-12-103(1) located within the county, including the cities  
2318 and towns within the county if:
- 2319 (i) the entire boundary of a county is annexed into a large public transit district; and  
2320 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to  
2321 Section 59-12-2203 and authorized under the following sections has been imposed:
- 2322 (A) Section 59-12-2213;  
2323 (B) Section 59-12-2214;  
2324 (C) Section 59-12-2215;  
2325 (D) Section 59-12-2216;  
2326 (E) Section 59-12-2217;  
2327 (F) Section 59-12-2218; and  
2328 (G) Section 59-12-2219;
- 2329 (b) if the county is not annexed into a large public transit district, the county legislative  
2330 body may impose the sales and use tax on the transactions described in Subsection  
2331 59-12-103(1) located within the county, including the cities and towns within the  
2332 county if:
- 2333 (i) the county is an eligible political subdivision; or  
2334 (ii) a city or town within the boundary of the county is an eligible political  
2335 subdivision; or
- 2336 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may  
2337 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)  
2338 located within the county, including the cities and towns within the county.
- 2339 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a

- 2340 county legislative body that imposes a sales and use tax under this section may impose  
2341 the tax at a rate of .2%.
- 2342 (3)(a) The commission shall distribute sales and use tax revenue collected under this  
2343 section as determined by a county legislative body as described in Subsection (3)(b).
- 2344 (b) If a county legislative body imposes a sales and use tax as described in this section,  
2345 the county legislative body may elect to impose a sales and use tax revenue  
2346 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of  
2347 county, and presence and type of a public transit provider in the county.
- 2348 (4) If a county legislative body imposes a sales and use tax as described in this section, and  
2349 the entire boundary of the county is annexed into a large public transit district, and the  
2350 county is a county of the first class, the commission shall distribute the sales and use tax  
2351 revenue as follows:
- 2352 (a) .10% to a public transit district as described in Subsection (11);  
2353 (b) .05% to the cities and towns as provided in Subsection (8); and  
2354 (c) .05% to the county legislative body.
- 2355 (5) If a county legislative body imposes a sales and use tax as described in this section and  
2356 the entire boundary of the county is annexed into a large public transit district, and the  
2357 county is a county not described in Subsection (4), the commission shall distribute the  
2358 sales and use tax revenue as follows:
- 2359 (a) .10% to a public transit district as described in Subsection (11);  
2360 (b) .05% to the cities and towns as provided in Subsection (8); and  
2361 (c) .05% to the county legislative body.
- 2362 (6)(a) Except as provided in Subsection (12)(c), if the entire boundary of a county that  
2363 imposes a sales and use tax as described in this section is not annexed into a single  
2364 public transit district, but a city or town within the county is annexed into a single  
2365 public transit district, or if the city or town is an eligible political subdivision, the  
2366 commission shall distribute the sales and use tax revenue collected within the county  
2367 as provided in Subsection (6)(b) or (c).
- 2368 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is  
2369 annexed into the single public transit district, or an eligible political subdivision, the  
2370 commission shall distribute the sales and use tax revenue collected within the portion  
2371 of the county that is within a public transit district or eligible political subdivision as  
2372 follows:
- 2373 (i) .05% to a public transit provider as described in Subsection (11);

- 2374 (ii) .075% to the cities and towns as provided in Subsection (8); and  
2375 (iii) .075% to the county legislative body.
- 2376 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county  
2377 described in Subsection (6)(a) that is not annexed into a single public transit district  
2378 or eligible political subdivision in the county, the commission shall distribute the  
2379 sales and use tax revenue collected within that portion of the county as follows:
- 2380 (i) .08% to the cities and towns as provided in Subsection (8); and  
2381 (ii) .12% to the county legislative body.
- 2382 (7) For a county without a public transit service that imposes a sales and use tax as  
2383 described in this section, the commission shall distribute the sales and use tax revenue  
2384 collected within the county as follows:
- 2385 (a) .08% to the cities and towns as provided in Subsection (8); and  
2386 (b) .12% to the county legislative body.
- 2387 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions  
2388 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- 2389 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
2390 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
2391 through (7) shall be distributed to the unincorporated areas, cities, and towns  
2392 within those counties on the basis of the percentage that the population of each  
2393 unincorporated area, city, or town bears to the total population of all of the  
2394 counties that impose a tax under this section; and
- 2395 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
2396 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
2397 through (7) shall be distributed to the unincorporated areas, cities, and towns  
2398 within those counties on the basis of the location of the transaction as determined  
2399 under Sections 59-12-211 through 59-12-215.
- 2400 (b)(i) Population for purposes of this Subsection (8) shall be determined on the basis  
2401 of the most recent official census or census estimate of the United States Census  
2402 Bureau.
- 2403 (ii) If a needed population estimate is not available from the United States Census  
2404 Bureau, population figures shall be derived from an estimate from the Utah  
2405 Population Estimates Committee created by executive order of the governor.
- 2406 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development  
2407 Division within the Department of Workforce Services determines that a city or

town is ineligible for funds in accordance with Subsection 10-9a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection 10-9a-408(7) does not apply.

(ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-27a-408(7), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection 17-27a-408(7) does not apply.

(9) If a public transit service is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit provider that the public transit service has been organized.

(10)(a) Except as provided in Subsection (10)(b), a county, city, or town that received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in Section 59-12-2212.2.

(b) If a county described in Subsection (1)(a) that is a county of the first class imposes the sales and use tax authorized in this section, the county may also use funds distributed in accordance with Subsection (4)(c) for public safety purposes.

(11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit as described in this section may be used for capital expenses and service delivery expenses of:

(i) a public transit district;

(ii) an eligible political subdivision; or

(iii) another entity providing a service for public transit or a transit facility within the relevant county, as those terms are defined in Section 17B-2a-802.

(b)(i)(A) If a county of the first class imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be



transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.

(B) Revenue deposited into the County of the First Class Highway Projects Fund created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be used for public transit innovation grants as provided in Title 72, Chapter 2, Part [3] 4, Public Transit Innovation Grants.

(ii) If a county of the first class imposes a sales and use tax described in this section, beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(b)(i), for revenue designated for public transit as described in Subsection (4)(a):

(A) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121; and

(B) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9).

(c)(i) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, for a three-year period following the date on which the county imposes the sales and use tax under this section, revenue designated for public transit as described in Subsection (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(ii) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, beginning on the day three years after the date on which the county imposed the tax as described in Subsection (11)(c)(i), for the revenue that is designated for public transit in Subsection (5)(a):

(A) 50% shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9); and

(B) 50% shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(d) Except as provided in Subsection (12)(c), for a county that imposes a sales and use tax under this section, for revenue designated for public transit as described in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county legislative

- 2476 body to be used for a purpose described in Subsection (11)(a).
- 2477 (12)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
2478 required to, submit an opinion question to the county's registered voters in  
2479 accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 2480 (b) If a county passes an ordinance to impose a sales and use tax as described in this  
2481 section, the sales and use tax shall take effect on the first day of the calendar quarter  
2482 after a 90-day period that begins on the date the commission receives written notice  
2483 from the county of the passage of the ordinance.
- 2484 (c) A county that imposed the local option sales and use tax described in this section  
2485 before January 1, 2023, may maintain that county's distribution allocation in place as  
2486 of January 1, 2023.
- 2487 (13)(a) Revenue collected from a sales and use tax under this section may not be used to  
2488 supplant existing General Fund appropriations that a county, city, or town budgeted  
2489 for transportation or public transit as of the date the tax becomes effective for a  
2490 county, city, or town.
- 2491 (b) The limitation under Subsection (13)(a) does not apply to a designated transportation  
2492 or public transit capital or reserve account a county, city, or town established before  
2493 the date the tax becomes effective.
- 2494 Section 17. Section **63B-11-502** is amended to read:
- 2495 **63B-11-502 (Effective 05/07/25). Maximum amount -- Projects authorized.**
- 2496 (1) The total amount of bonds issued under this part may not exceed \$52,101,800.
- 2497 (2)(a)(i) Proceeds from the issuance of bonds shall be provided to the Department of  
2498 Transportation to provide funds to pay all or part of the costs of accelerating any  
2499 of the following state highway construction or reconstruction projects in Salt Lake  
2500 County:
- 2501 (A) I-15: 10600 South to the Utah County line;  
2502 (B) Final Environmental Impact Statement for Western Transportation Corridor:  
2503 I-80 to Utah County;  
2504 (C) I-215: Redwood Road to 4700 South;  
2505 (D) State Street Reconstruction: 9000 South to 10600 South; and  
2506 (E) except as provided in Subsection (2)(d), State Street Reconstruction: 7800  
2507 South to 8000 South.
- 2508 (ii) If the Department of Transportation is unable to begin or complete a project  
2509 authorized by this Subsection (2)(a) because of a court order, the Department of

- 2510 Transportation, with the approval of Salt Lake County, may expend bond  
2511 proceeds to construct one or more projects identified in Subsection (2)(e).
- 2512 (b) When the Utah Transit Authority certifies to the Transportation Commission that the  
2513 Utah Transit Authority will pay half the costs of reconstruction of the Utah Transit  
2514 Authority railroad overpass on 8000 South State Street, the Department of  
2515 Transportation may provide funds from bond proceeds to pay the other half of the  
2516 costs of reconstruction of the Utah Transit Authority railroad overpass on 8000 South.
- 2517 (c) As used in Subsections (2)(a) and (b), "costs" may include the cost of acquiring land,  
2518 interests in land, easements and rights-of-way, improving sites, and making all  
2519 improvements necessary, incidental, or convenient to the facilities, interest estimated  
2520 to accrue on these bonds during the period to be covered by construction of the  
2521 projects plus a period of six months after the end of the construction period, interest  
2522 estimated to accrue on any bond anticipation notes issued under the authority of  
2523 Chapter 11, Part 6, 2002 Highway General Obligation Bond Anticipation Notes for  
2524 Salt Lake County, and all related engineering, architectural, and legal fees.
- 2525 (d) Bond proceeds may not be expended on the State Street Reconstruction: 7800 to  
2526 8000 South project until the Transportation Commission has received the  
2527 certification required by Subsection (2)(b) from the Utah Transit Authority.
- 2528 (e) As the following projects or future projects identified by Salt Lake County and the  
2529 Legislature are prepared and ready for construction by the Department of  
2530 Transportation, it is the intent of the Legislature that they will be accelerated and  
2531 funded from future general obligation bonds issued in anticipation of receiving debt  
2532 service funds from the amount described in Subsection 59-12-2214(3)(b) and from  
2533 other funding sources available to the Department of Transportation[~~including~~  
2534 ~~money available from the Centennial Highway Fund and the Statewide~~  
2535 ~~Transportation Improvement Plan~~]:
- 2536 (i) 5600 West Reconstruction: 4500 South to 7000 South;  
2537 (ii) Redwood Road: 12600 South to Bangerter Highway;  
2538 (iii) I-15: Beck Street Overpass;  
2539 (iv) I-215: 4700 South to SR-201;  
2540 (v) acquisition of rights-of-way for the Western Transportation Corridor;  
2541 (vi) 11400 South: I-15 to Redwood Road; and  
2542 (vii) State Street Reconstruction 6400 South to 7800 South and 8000 South to 9000  
2543 South.

- (3) If any portion of the proceeds of the tax paid to the state are not required to pay principal, interest, and issuance costs of the bonds and the principal, interest, and issuance costs of the bond have been paid off, or if, after completion of the projects authorized under Subsection (2)(a) and payment of the costs of issuing and selling the bonds under Section 63B-11-503, any bond proceeds remain unexpended, the Department of Transportation may use those unexpended proceeds to pay all or part of the costs of construction projects in Salt Lake County that have been approved and prioritized by the Transportation Commission.
- (4) The commission, by resolution, or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.
- (5) The Department of Transportation may enter into agreements related to the projects before the receipt of proceeds of bonds issued under this chapter.

Section 18. Section **63B-31-101** is amended to read:

**63B-31-101 (Effective 05/07/25). General obligation bonds -- Maximum amount -- Use of proceeds for projects.**

- (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued under this section may not exceed \$264,000,000 for acquisition and construction proceeds, plus additional amounts as provided in Subsection (1)(b).
- (b) When the Department of Transportation certifies to the commission the amount of bond proceeds needed to provide funding for the projects described in this section, the commission may issue and sell general obligation bonds in an amount equal to the certified amount, plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve requirements, not to exceed 1% of the certified amount.
- (c) The commission may not issue general obligation bonds authorized under this section if the issuance of the general obligation bonds would result in the total current outstanding general obligation debt of the state exceeding 50% of the limitation described in the Utah Constitution, Article XIV, Section 1.
- (2) Proceeds from the bonds issued under this section shall be provided to the Department of Transportation to pay for, or to provide funds in accordance with this section to pay for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements with respect to projects described in this section.
- (3) It is the intent of the Legislature that as transportation projects are prioritized under Section 72-2-124, the Transportation Commission give consideration to projects beyond

- 2578 the normal programming horizon.
- 2579 (4)(a) Two hundred thirty-two million dollars of the proceeds of bonds issued under this  
2580 section shall be used to double track strategic sections of the FrontRunner commuter  
2581 rail system, to be repaid from the Transit Transportation Investment Fund under  
2582 Subsection [~~72-2-124(9)~~] 72-2-124(10).
- 2583 (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is  
2584 contingent upon the establishment of an agreement between the Department of  
2585 Transportation and the Utah Transit Authority whereby the Utah Transit Authority  
2586 agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- 2587 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section  
2588 shall be provided to the Department of Transportation to pass through to Brigham  
2589 City to be used for a Forest Street rail bridge project in Brigham City.
- 2590 (b) Payments shall be made from the Rail Transportation Restricted Account created in  
2591 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in  
2592 the amount per year of the principal and interest payments due under the bonds  
2593 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 2594 (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be  
2595 provided to the Department of Transportation to pass through to the city of North Salt  
2596 Lake for an environmental study for a grade separation at 1100 North in North Salt  
2597 Lake.
- 2598 (b) Payments shall be made from the Rail Transportation Restricted Account created in  
2599 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in  
2600 the amount per year of the principal and interest payments due under the bonds  
2601 issued under Subsection (6)(a) until those bonds have been repaid in full.
- 2602 (7) The costs under Subsection (2) may include the costs of studies necessary to make  
2603 transportation infrastructure improvements, the costs of acquiring land, interests in land,  
2604 and easements and rights-of-way, the costs of improving sites and making all  
2605 improvements necessary, incidental, or convenient to the facilities, and the costs of  
2606 interest estimated to accrue on these bonds during the period to be covered by  
2607 construction of the projects plus a period of six months after the end of the construction  
2608 period, interest estimated to accrue on any bond anticipation notes issued under the  
2609 authority of this title, and all related engineering, architectural, and legal fees.
- 2610 (8) The commission or the state treasurer may make any statement of intent relating to a  
2611 reimbursement that is necessary or desirable to comply with federal tax law.

(9) The Department of Transportation may enter into agreements related to the projects described in Subsection (4) before the receipt of proceeds of bonds issued under this section.

Section 19. Section **63I-1-272** is amended to read:

**63I-1-272 (Effective 05/07/25). Repeal dates: Title 72.**

(1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City, is repealed July 1, 2029.

~~[(4)]~~ (2) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is repealed July 1, 2027.

~~[(2)]~~ (3) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January 2, 2030.

Section 20. Section **63J-3-103** is amended to read:

**63J-3-103 (Effective 05/07/25). Definitions.**

As used in this chapter:

(1)(a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Income Tax Fund sources.

(b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Income Tax Fund.

(c) "Appropriations" does not mean:

(i) public education expenditures;

(ii) Utah Education and Telehealth Network expenditures in support of public education;

(iii) Utah Board of Higher Education expenditures in support of public education;

(iv) State Tax Commission expenditures related to collection of income taxes in support of public education;

(v) debt service expenditures;

(vi) emergency expenditures;

(vii) expenditures from all other fund or subfund sources;

(viii) transfers or appropriations from the Income Tax Fund to the Uniform School Fund;

(ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;

(x) transfers into, or appropriations made to, the Income Tax Fund Budget Reserve Account established in Section 63J-1-313;

- 2646 (xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to  
2647 the Wildland Fire Suppression Fund created in Section 65A-8-204, the  
2648 Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created  
2649 in Section 65A-8-215, or the State Disaster Recovery Restricted Account created  
2650 in Section 53-2a-603;
- 2651 (xii) money appropriated to fund the total one-time project costs for the construction  
2652 of capital development projects as defined in Section 63A-5b-401;
- 2653 ~~[(xiii) transfers or deposits into or appropriations made to the Centennial Highway~~  
2654 ~~Fund created by Section 72-2-118;]~~
- 2655 ~~[(xiv)]~~ (xiii) transfers or deposits into or appropriations made to the Transportation  
2656 Investment Fund of 2005 created by Section 72-2-124;
- 2657 ~~[(xv)]~~ (xiv) transfers or deposits into or appropriations made to:
- 2658 (A) the Department of Transportation from any source; or  
2659 (B) any transportation-related account or fund from any source; or
- 2660 ~~[(xvi)]~~ (xv) supplemental appropriations from the General Fund to the Division of  
2661 Forestry, Fire, and State Lands to provide money for wildland fire control  
2662 expenses incurred during the current or previous fire years.
- 2663 (2) "Base year real per capita appropriations" means the result obtained for the state by  
2664 dividing the fiscal year 1985 actual appropriations of the state less debt money by:
- 2665 (a) the state's July 1, 1983 population; and  
2666 (b) the fiscal year 1983 inflation index divided by 100.
- 2667 (3) "Calendar year" means the time period beginning on January 1 of any given year and  
2668 ending on December 31 of the same year.
- 2669 (4) "Fiscal emergency" means an extraordinary occurrence requiring immediate  
2670 expenditures and includes the settlement under Laws of Utah 1988, Fourth Special  
2671 Session, Chapter 4.
- 2672 (5) "Fiscal year" means the time period beginning on July 1 of any given year and ending  
2673 on June 30 of the subsequent year.
- 2674 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital  
2675 and operations appropriations from General Fund and non-Uniform School Fund income  
2676 tax revenue sources, less debt money.
- 2677 (7) "Inflation index" means the change in the general price level of goods and services as  
2678 measured by the Gross National Product Implicit Price Deflator of the Bureau of  
2679 Economic Analysis, U.S. Department of Commerce calculated as provided in Section

63J-3-202.

- (8)(a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.
- (b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.
- (9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.
- (11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63J-3-202.
- (12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.
- (13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 21. Section **72-1-201** is amended to read:

**72-1-201 (Effective 05/07/25). Creation of Department of Transportation --  
Functions, powers, duties, rights, and responsibilities.**

- (1) There is created the Department of Transportation which shall:
- (a) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
  - (b) provide administration for state transportation systems and programs;
  - (c) implement the transportation policies of the state;
  - (d) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
  - (e) establish standards and procedures regarding the technical details of administration



- 2714 of the state transportation systems as established by statute and administrative rule;  
2715 (f) advise the governor and the Legislature about state transportation systems needs;  
2716 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
2717 installation, maintenance, operation, relocation, and upgrade of utilities within state  
2718 highway rights-of-way;  
2719 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2720 make rules for the administration of the department, state transportation systems, and  
2721 programs;  
2722 (i) jointly with the commission annually report to the Transportation Interim Committee,  
2723 by November 30 of each year, as to the operation, maintenance, condition, mobility,  
2724 safety needs, and wildlife and livestock mitigation for state transportation systems;  
2725 (j) ensure that any training or certification required of a public official or public  
2726 employee, as those terms are defined in Section 63G-22-102, complies with Title  
2727 63G, Chapter 22, State Training and Certification Requirements, if the training or  
2728 certification is required:  
2729 (i) under this title;  
2730 (ii) by the department; or  
2731 (iii) by an agency or division within the department;  
2732 (k) study and make recommendations to the Legislature on potential managed lane use  
2733 and implementation on selected transportation systems within the state;  
2734 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created  
2735 in Section 53-8-103 regarding:  
2736 (i) future highway projects that will add additional capacity to the state transportation  
2737 system;  
2738 (ii) potential changes in law enforcement responsibilities due to future highway  
2739 projects; and  
2740 (iii) incident management services on state highways; and  
2741 (m) provide public transit services, in consultation with any relevant public transit  
2742 provider.  
2743 (2) For a proposed transportation project that includes a gondola in the Cottonwood  
2744 Canyons area of Salt Lake County for which the department has completed an  
2745 environmental impact statement, the department may only construct the project in the  
2746 phasing sequence as provided in the record of decision associated with the  
2747 environmental impact statement.

2748 [(2)] (3)(a) The department shall exercise reasonable care in designing, constructing, and  
2749 maintaining a state highway in a reasonably safe condition for travel.

2750 (b) Nothing in this section shall be construed as:

2751 (i) creating a private right of action; or

2752 (ii) expanding or changing the department's common law duty as described in  
2753 Subsection [(2)(a)] (3)(a) for liability purposes.

2754 Section 22. Section **72-1-212** is amended to read:

2755 **72-1-212 (Effective 05/07/25). Special use permitting -- Rulemaking.**

2756 (1) As used in this section:

2757 (a) "Law enforcement agency" means the same as that term is defined in Section [  
2758 ~~53-3-102~~] 53-1-102.

2759 (b) "Special use permit" means a permit issued:

2760 (i) for a special use or a special event that takes place on a highway; or

2761 (ii) to a law enforcement agency to install an automatic license plate reader on a state  
2762 highway for the purpose of capturing license plate data of vehicles traveling on a  
2763 state highway, regardless of whether the device is installed on property owned by  
2764 the department or the law enforcement agency.

2765 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in  
2766 consultation with representatives of the Utah League of Cities and Towns and the Utah  
2767 Association of Counties, the department shall make rules that are not inconsistent with  
2768 this chapter or the constitution and laws of this state or of the United States governing  
2769 the issuance of a special use permit to maintain public safety and serve the needs of the  
2770 traveling public.

2771 (3) The rules described in Subsection (2) may:

2772 (a) establish the highways for which the highest number of special use permits are  
2773 issued;

2774 (b) develop, in consultation with municipalities, a limit on the number of special use  
2775 permits that may be issued in any calendar year on a particular highway;

2776 (c) require a person to submit an application designated by the department before the  
2777 department issues a special use permit;

2778 (d) limit the number of special use permits issued on any one day for any specified  
2779 location based on a first-come, first-served basis for completed applications;

2780 (e) establish criteria for evaluating completed applications, such as historic use, potential  
2781 economic benefit, or other relevant factors;

- 2782 (f) specify conditions that are required to be met before a special use permit may be  
2783 issued;
- 2784 (g) establish a penalty for failure to fulfill conditions required by the special use permit,  
2785 including suspension of the special use permit or suspension of a future special use  
2786 permit;
- 2787 (h) require an applicant to obtain insurance for certain special uses or special events; or  
2788 (i) provide other requirements to maintain public safety and serve the needs of the  
2789 traveling public.

2790 (4) The limit on the number of special use permits described in Subsection (3)(b) may not  
2791 include:

- 2792 (a) a special use permit issued for a municipality-sponsored special use or special event  
2793 on a highway within the jurisdiction of the municipality; or  
2794 (b) a special use permit issued to a law enforcement agency to install a device as part of  
2795 an automatic license plate reader system authorized by Section 41-6a-2003.

2796 (5) The rules described in Subsection (2) shall consider:

- 2797 (a) traveler safety and mobility;  
2798 (b) the safety of special use or special event participants;  
2799 (c) emergency access;  
2800 (d) the mobility of residents close to the event or use;  
2801 (e) access and economic impact to businesses affected by changes to the normal  
2802 operation of highway traffic;  
2803 (f) past performance of an applicant's adherence to special use permit requirements; and  
2804 (g) whether a law enforcement agency applying for a special use permit has published a  
2805 policy online as required by Section 41-6a-2003.

2806 (6) Notwithstanding any other provision of this chapter, the department may also require a  
2807 law enforcement agency applying for a special use permit described in this section to  
2808 obtain an encroachment permit.

2809 (7) The department shall adopt a fee schedule in accordance with Section 63J-1-504 that  
2810 reflects the cost of services provided by the department associated with special use  
2811 permits and with special uses or special events that take place on a highway.

2812 (8) For a device installed in accordance with Section 41-6a-2003, the installation,  
2813 maintenance, data collection, and removal are the responsibility of the law enforcement  
2814 agency that obtains the special use permit.

2815 (9)(a) The department shall preserve a record of special use permits issued to a law

2816 enforcement agency, including the stated purpose for each permit.

2817 (b) The department shall preserve a record identified in Subsection (9)(a) for at least five  
2818 years.

2819 Section 23. Section **72-1-213.1** is amended to read:

2820 **72-1-213.1 (Effective 05/07/25). Road usage charge program.**

2821 (1) As used in this section:

2822 (a) "Account manager" means an entity under contract with the department to administer  
2823 and manage the road usage charge program.

2824 (b) "Alternative fuel vehicle" means:

2825 (i) an electric motor vehicle as defined in Section 41-1a-102; or

2826 (ii) a motor vehicle powered exclusively by a fuel other than:

2827 (A) motor fuel;

2828 (B) diesel fuel;

2829 (C) natural gas; or

2830 (D) propane.

2831 (c) "Payment period" means the interval during which an owner is required to report  
2832 mileage and pay the appropriate road usage charge according to the terms of the  
2833 program.

2834 (d) "Program" means the road usage charge program established and described in this  
2835 section.

2836 (e) "Road usage charge cap" means the maximum fee charged to a participant in the  
2837 program for a registration period.

2838 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the  
2839 program.

2840 (2) There is established a road usage charge program as described in this section.

2841 (3)(a) The department shall implement and oversee the administration of the program,  
2842 which shall begin on January 1, 2020.

2843 (b) To implement and administer the program, the department may contract with an  
2844 account manager.

2845 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the  
2846 alternative fuel vehicle in the program.

2847 (b) If an application for enrollment into the program is approved by the department, the  
2848 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of  
2849 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the department:

(a) shall make rules to establish:

- (i) processes and terms for enrollment into and withdrawal or removal from the program;
- (ii) payment periods and other payment methods and procedures for the program;
- (iii) standards for mileage reporting mechanisms for an owner or lessee of an alternative fuel vehicle to report mileage as part of participation in the program;
- (iv) standards for program functions for mileage recording, payment processing, account management, and other similar aspects of the program;
- (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner and an account manager for participation in the program;
- (vi) contractual terms between the department and an account manager, including authority for an account manager to enforce the terms of the program;
- (vii) procedures to provide security and protection of personal information and data connected to the program, and penalties for account managers for violating privacy protection rules;
- (viii) penalty procedures for a program participant's failure to pay a road usage charge or tampering with a device necessary for the program; and
- (ix) department oversight of an account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the program; and

(b) may make rules to establish:

- (i) an enrollment cap for certain alternative fuel vehicle types to participate in the program;
- (ii) a process for collection of an unpaid road usage charge or penalty; or
- (iii) integration of the program with other similar programs, such as tolling.

(6) Revenue generated by the road usage charge program and relevant penalties shall be deposited into the Road Usage Charge Program Special Revenue Fund.

(7)(a) The department may:

- (i)(A) impose a penalty for failure to timely pay a road usage charge according to the terms of the program or tampering with a device necessary for the program; and
- (B) request that the Division of Motor Vehicles place a hold on the registration of

- 2884 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage  
2885 charge or penalty according to the terms of the program;
- 2886 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the  
2887 owner or lessee of:
- 2888 (A) the road usage charge program, implementation, and procedures;
- 2889 (B) an unpaid road usage charge and the amount of the road usage charge to be  
2890 paid to the department;
- 2891 (C) the penalty for failure to pay a road usage charge within the time period  
2892 described in Subsection (7)(a)(iii); and
- 2893 (D) a hold being placed on the owner's or lessee's registration for the alternative  
2894 fuel vehicle, if the road usage charge and penalty are not paid within the time  
2895 period described in Subsection (7)(a)(iii), which would prevent the renewal of  
2896 the alternative fuel vehicle's registration; and
- 2897 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage  
2898 charge to the department within 30 days of the date when the department sends  
2899 written notice of the road usage charge to the owner or lessee.
- 2900 (b) The department shall send the correspondence and notice described in Subsection (7)  
2901 (a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 2902 (8)(a) The Division of Motor Vehicles and the department shall share and provide access  
2903 to information pertaining to an alternative fuel vehicle and participation in the  
2904 program including:
- 2905 (i) registration and ownership information pertaining to an alternative fuel vehicle;
- 2906 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to  
2907 pay a road usage charge or penalty imposed under this section within the time  
2908 period described in Subsection (7)(a)(iii); and
- 2909 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2910 (b) If the department requests a hold on the registration in accordance with this section,  
2911 the Division of Motor Vehicles may not renew the registration of a motor vehicle  
2912 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the  
2913 hold request.
- 2914 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or  
2915 withdraw from the program according to the terms established by the department  
2916 pursuant to rules made under Subsection (5).
- 2917 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:

- 2918 (a) report mileage driven as required by the department pursuant to Subsection (5);  
2919 (b) pay the road usage fee for each payment period in accordance with Subsection (5);  
2920 and  
2921 (c) comply with all other provisions of this section and other requirements of the  
2922 program.
- 2923 (11) The department shall submit annually, on or before October 1, to the Transportation  
2924 Interim Committee, an electronic report that:
- 2925 (a) states for the preceding fiscal year:
- 2926 (i) the amount of revenue collected from the program;  
2927 (ii) the participation rate in the program; and  
2928 (iii) the department's costs to administer the program; and
- 2929 (b) provides for the current fiscal year, an estimate of:
- 2930 (i) the revenue that will be collected from the program;  
2931 (ii) the participation rate in the program; and  
2932 (iii) the department's costs to administer the program.
- 2933 (12)(a) Beginning on January 1, 2023:
- 2934 (i) the road usage charge rate is 1.0 cent per mile; and  
2935 (ii) the road usage charge cap is:
- 2936 (A) \$130.25 for an annual registration period; and  
2937 (B) \$100.75 for a six-month registration period.
- 2938 (b) Beginning on January 1, 2026:
- 2939 (i) the road usage charge rate is 1.25 cents per mile; and  
2940 (ii) the road usage charge cap is:
- 2941 (A) \$180 for an annual registration period; and  
2942 (B) \$139 for a six-month registration period.
- 2943 (c) Beginning on January 1, 2032:
- 2944 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes  
2945 a different road usage charge rate in accordance with Subsection (13); and  
2946 (ii) the road usage charge cap is:
- 2947 (A) \$240 for an annual registration period; and  
2948 (B) \$185 for a six-month registration period.
- 2949 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road  
2950 usage charge rates described in this Subsection (12) by taking the road usage charge  
2951 rate for the previous year and adding an amount equal to the greater of:

- 2952 (i) an amount calculated by multiplying the road usage charge rate of the previous  
2953 year by the actual percentage change during the previous fiscal year in the  
2954 Consumer Price Index as determined by the State Tax Commission; and  
2955 (ii) 0.
- 2956 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust  
2957 the road usage charge caps described in this Subsection (12) by taking the road usage  
2958 charge cap for the previous year and adding an amount equal to the greater of:  
2959 (i) an amount calculated by multiplying the road usage charge cap of the previous  
2960 year by the actual percentage change during the previous fiscal year in the  
2961 Consumer Price Index; and  
2962 (ii) 0.
- 2963 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the  
2964 nearest .01 cent.
- 2965 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the  
2966 nearest 25 cents.
- 2967 (h) On or before January 1 of each year, the department shall publish:  
2968 (i) the adjusted road usage charge rate described in Subsection (12)(d); and  
2969 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 2970 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in  
2971 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road  
2972 usage charge rate for each type of alternative fuel vehicle.
- 2973 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission  
2974 shall consult with the department regarding the road usage charge rate for each  
2975 type of alternative fuel vehicle.
- 2976 (ii) The department shall cooperate with and make recommendations to the  
2977 commission regarding the road usage charge rate for each type of alternative fuel  
2978 vehicle.
- 2979 Section 24. Section **72-1-217** is amended to read:
- 2980 **72-1-217 (Effective upon governor's approval). Department of Transportation**  
2981 **study items.**
- 2982 (1) The department shall carry out transportation studies described in this section as  
2983 resources allow.
- 2984 (2)(a) The department shall study items related to advanced air mobility as described in  
2985 this Subsection (2).



- 2986 (b) The department shall study vertiport locations and infrastructure, including:  
2987 (i) identification of suitable locations for vertiport infrastructure and parking  
2988 infrastructure for vertiports in metropolitan areas;  
2989 (ii) identification of commuter rail stations that may be suitable for vertiport  
2990 placement; and  
2991 (iii) identification of underutilized parking lots and parking structures for vertiport  
2992 infrastructure placement.
- 2993 (c) The department shall study best practices and implementation of advanced air  
2994 mobility technologies, including:  
2995 (i) seeking input through community engagement;  
2996 (ii) state and local regulations;  
2997 (iii) unmanned aircraft system traffic management; and  
2998 (iv) weather reporting and monitoring for advanced air mobility safety.
- 2999 (d) The department shall study unmanned aircraft traffic management infrastructure,  
3000 including:  
3001 (i) unmanned aircraft system traffic management development, implementation,  
3002 procedures, policies, and infrastructure; and  
3003 (ii) obtaining a full understanding of unmanned aircraft system traffic management,  
3004 including:  
3005 (A) designation of airspace for advanced air mobility;  
3006 (B) creation of geographic categorical areas;  
3007 (C) identifying the appropriate number and location of advanced air mobility  
3008 sensors; and  
3009 (D) other state specific details regarding unmanned aircraft system traffic  
3010 management.
- 3011 (e) The department shall study the creation of an advanced air mobility sandbox,  
3012 including:  
3013 (i) potential locations for the sandbox testing area and desirable attributes of a  
3014 suitable sandbox location;  
3015 (ii) requirements to create a geographical advanced air mobility testing area and the  
3016 parameters for the types of technology that may be utilized in the testing area; and  
3017 (iii) testing and studying different types of advanced air mobility transportation of  
3018 manned and unmanned aerial vehicles, including:  
3019 (A) aerial vehicle size;

(B) aerial vehicles that carry cargo, including medical cargo;

(C) commercial aerial vehicles; and

(D) public transportation aerial vehicles.

(f) On or before September 30, 2023, the department shall provide a report to the Transportation Interim Committee of the department's findings from the study items described in Subsections (2)(b) through (2)(e).

(g) The department may only use existing funds to cover the expenses incurred from the study of items described in Subsections (2)(b) through (2)(e).

(3)(a) The department and a large public transit district shall jointly study programs offered by government entities related to human services transportation, including:

(i) coordinated mobility services;

(ii) paratransit services;

(iii) nonemergency medical transportation;

(iv) youth transportation programs, excluding school bus transportation; and

(v) other similar fare-based or fee-based programs provided or coordinated within the boundary of the large public transit district, including those involving the department, a large public transit district, local governments, or other government agencies and nonprofit entities that provide similar services.

(b) The study shall evaluate strategies to consolidate the transportation services described in Subsection (3)(a) to improve efficiency and service.

(c) The department and large public transit district shall:

(i) provide a preliminary report on the study to the Transportation Interim Committee on or before November 1, 2025; and

(ii) prepare and present recommendations to the Transportation Interim Committee on or before November 1, 2026, for the consolidation of the services described in Subsection (3)(a).

(4)(a) As used in this Subsection (4):

(i) "City" means Salt Lake City.

(ii) "Highway reduction strategy" means any strategy that has the potential to permanently decrease the number of vehicles that can travel on an arterial or a collector highway per hour, including:

(A) reducing the number of motorized vehicle travel lanes on an arterial or collector highway;

(B) narrowing existing motorized vehicle travel lanes on an arterial or collector

3054 highway; or

3055 (C) any other strategy that when implemented may increase congestion or impede  
3056 traffic flow for motor vehicles driving on an arterial or collector highway.

3057 (iii) "Mobility and environmental impact analysis" means a study that assesses the  
3058 impacts within the study area of implementing a highway reduction strategy on  
3059 arterial or collector highways, including the impacts to other state and local  
3060 highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the  
3061 economy, public health, quality of life, air quality, maintenance, and operations.

3062 (iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive,  
3063 north of 2100 South, east of I-15, and south of 600 North.

3064 (b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a  
3065 project as part of a highway reduction strategy on an arterial or a collector  
3066 highway within the study area unless the project is part of a mobility plan  
3067 approved by the department as described in this Subsection (4)(b).

3068 (ii) For a mobility plan described under Subsection (4)(b)(i), the city shall:

3069 (A) assess the alternate routes for traffic and impacts on surrounding highways  
3070 due to any lane reduction;

3071 (B) evaluate impacts to vehicle trip time;

3072 (C) evaluate impacts to air quality;

3073 (D) evaluate the cumulative multimodal and safety impact of the proposed  
3074 highway reduction strategies, including the cumulative impact from previous  
3075 highway reduction strategies implemented over the previous five years;

3076 (E) provide options to mitigate negative impacts to vehicle traffic, vehicle trip  
3077 time, air quality, or adjacent travel routes;

3078 (F) in collaboration with the department, assess impacts to state highways;

3079 (G) proactively seek out and consult with relevant stakeholders, including  
3080 business owners, commuters, and residents impacted by the mobility plan and  
3081 each proposed project within the mobility plan;

3082 (H) present the plan in an open and public meeting, including public comment;

3083 (I) provide an open house or other event to allow public interaction and feedback  
3084 regarding the impacts of the mobility plan;

3085 (J) present the plan to the membership of the city's chamber of commerce and  
3086 other business groups; and

3087 (K) provide the plan to the department for the department's review.

(iii)(A) After the department receives a complete mobility plan as described in Subsection (4)(b)(ii), the department shall determine if the mobility plan and each project included in the mobility plan meet the requirements of this section and shall approve or reject the plan within two months of receiving the mobility plan.

(B) As part of the mobility plan, the city shall demonstrate to the department the manners in which the city involved and received input from the business community, the public, and other stakeholders as required in Subsection (4)(b)(ii).

(c)(i) The city may begin or continue construction on an arterial or collector highway project related to any reduction strategy within the study area if the project has been advertised on or before February 25, 2025.

(ii)(A) For a project related to any highway reduction strategy that was programmed by the department on or before July 1, 2024, but has not been advertised on or before February 25, 2025, the department may conduct an expedited review of the project.

(B) If the department approves a project after an expedited review as described in Subsection (4)(c)(ii)(A), the city may begin or continue construction on the project.

(d) The department shall, in partnership with the city, conduct a mobility and environmental impact analysis to determine the impacts of highway reduction strategies within the study area that the city has implemented on or after July 1, 2015, or has plans to implement on or before July 1, 2035.

(e) As part of the mobility and environmental impact analysis, the department shall:

(i) assess the cumulative impact of each highway reduction strategy within the study area that the city has implemented or has plans to implement between July 1, 2015, and July 1, 2035; and

(ii) consult with relevant stakeholders, including business owners, commuters, and residents impacted by the highway reduction strategy.

(f) A city subject to a mobility and environmental impact analysis under this Subsection (4) shall provide to the department any information the department determines necessary for conducting the mobility and environmental impact analysis, including any plans that city has adopted or discussed with regards to a highway reduction strategy.

- 3122 (g)(i) The department shall provide the mobility and environmental impact analysis  
3123 to the Transportation Interim Committee on or before October 15, 2025.
- 3124 (ii) The city shall provide a response to the mobility and environmental impact  
3125 analysis to the Transportation Interim Committee on or before November 1, 2025.
- 3126 (h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset  
3127 review by the Transportation Interim Committee during the 2028 interim.
- 3128 (ii) The Transportation Interim Committee may also evaluate the mobility plan  
3129 process described in this Subsection (4) during the 2027 interim.

3130 Section 25. Section **72-1-303** is amended to read:

3131 **72-1-303 (Effective 05/07/25). Duties of commission.**

- 3132 (1) The commission has the following duties:
- 3133 (a) determining priorities and funding levels of projects and programs in the state  
3134 transportation systems and the capital development of new public transit facilities for  
3135 each fiscal year based on project lists compiled by the department and taking into  
3136 consideration the strategic initiatives described in Section 72-1-211;
- 3137 (b) determining additions and deletions to state highways under Chapter 4, Designation  
3138 of State Highways Act;
- 3139 (c) holding public meetings and otherwise providing for public input in transportation  
3140 matters;
- 3141 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah  
3142 Administrative Rulemaking Act, necessary to perform the commission's duties  
3143 described under this section;
- 3144 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive  
3145 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,  
3146 Administrative Procedures Act;
- 3147 (f) advising the department on state transportation systems policy;
- 3148 (g) approving settlement agreements of condemnation cases subject to Section  
3149 63G-10-401;
- 3150 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a  
3151 nonvoting member or a voting member on the board of trustees of a public transit  
3152 district;
- 3153 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term  
3154 and long-range public transit plans;
- 3155 (j) determining the priorities and funding levels of public transit innovation grants, as

- 3156 defined in Section 72-2-401; and
- 3157 (k) reviewing administrative rules made, substantively amended, or repealed by the
- 3158 department.
- 3159 (2)(a) For projects prioritized with funding provided under Sections 72-2-124 and
- 3160 72-2-125, the commission shall annually report to [~~a committee designated by the~~
- 3161 ~~Legislative Management Committee~~] the Transportation and Infrastructure
- 3162 Appropriations Subcommittee:
- 3163 (i) a prioritized list of the new transportation capacity projects in the state
- 3164 transportation system and the funding levels available for those projects; and
- 3165 (ii) the unfunded highway construction and maintenance needs within the state.
- 3166 (b) The [~~committee designated by the Legislative Management Committee under~~
- 3167 ~~Subsection (2)(a)~~] Transportation and Infrastructure Appropriations Subcommittee
- 3168 shall:
- 3169 (i) review the list reported by the Transportation Commission; and
- 3170 (ii) make a recommendation to the Legislature on:
- 3171 (A) the amount of additional funding to allocate to transportation; and
- 3172 (B) the source of revenue for the additional funding allocation under Subsection
- 3173 (2)(b)(ii)(A).
- 3174 (3) The commission shall review and may approve plans for the construction of a highway
- 3175 facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval of
- 3176 Highway Facilities on Sovereign Lands Act.
- 3177 (4) One or more associations representing airport operators or pilots in the state shall
- 3178 annually report to the commission recommended airport improvement projects and any
- 3179 other information related to the associations' expertise and relevant to the commission's
- 3180 duties.
- 3181 Section 26. Section **72-1-304** is amended to read:
- 3182 **72-1-304 (Effective 05/07/25). Written project prioritization process for new**
- 3183 **transportation capacity projects -- Rulemaking.**
- 3184 (1)(a) The Transportation Commission, in consultation with the department and the
- 3185 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
- 3186 written prioritization process for the prioritization of:
- 3187 (i) new transportation capacity projects that are or will be part of the state highway
- 3188 system under Chapter 4, Part 1, State Highways;
- 3189 (ii) paved pedestrian or paved nonmotorized transportation projects described in

3190 Section 72-2-124;

3191 (iii) public transit projects that directly add capacity to the public transit systems  
3192 within the state, not including facilities ancillary to the public transit system; and

3193 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
3194 public transit system.

3195 (b)(i) A local government or public transit district may nominate a project for  
3196 prioritization in accordance with the process established by the commission in rule.

3197 (ii) If a local government or public transit district nominates a project for  
3198 prioritization by the commission, the local government or public transit district  
3199 shall provide data and evidence to show that:

3200 (A) the project will advance the purposes and goals described in Section 72-1-211;

3201 (B) for a public transit project, the local government or public transit district has  
3202 an ongoing funding source for operations and maintenance of the proposed  
3203 development; and

3204 (C) the local government or public transit district will provide the percentage of  
3205 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or [  
3206 ~~72-2-124(9)(e)~~] 72-2-124(10)(e).

3207 (2) The following shall be included in the written prioritization process under Subsection (1):

3208 (a) a description of how the strategic initiatives of the department adopted under Section  
3209 72-1-211 are advanced by the written prioritization process;

3210 (b) a definition of the type of projects to which the written prioritization process applies;

3211 (c) specification of a weighted criteria system that is used to rank proposed projects and  
3212 how it will be used to determine which projects will be prioritized;

3213 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

3214 (e) any other provisions the commission considers appropriate, which may include  
3215 consideration of:

3216 (i) regional and statewide economic development impacts, including improved local  
3217 access to:

3218 (A) employment;

3219 (B) educational facilities;

3220 (C) recreation;

3221 (D) commerce; and

3222 (E) residential areas, including moderate income housing as demonstrated in the  
3223 local government's or public transit district's general plan pursuant to Section

10-9a-403 or 17-27a-403;

- (ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and
- (iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and ~~72-2-124(9)(e)~~ 72-2-124(10)(e).

(3)(a) When prioritizing a public transit project that increases capacity, the commission:

- (i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and
- (ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:

- (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
  - (A) the state is a participant in the transportation reinvestment zone; or
  - (B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or
- (ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(c) If the department receives a notice of prioritization for a municipality as described in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection 17-27a-408(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).

(d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity pursuant to Section 10-8-87.

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

- (a) shall seek and consider public comment by holding public meetings at locations



- 3258 throughout the state; and
- 3259 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
- 3260 the state provides an equal opportunity to raise local matching dollars for state
- 3261 highway improvements within each county.
- 3262 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3263 Transportation Commission, in consultation with the department, shall make rules
- 3264 establishing the written prioritization process under Subsection (1).
- 3265 (6) The commission shall submit the proposed rules under this section to [~~a committee or~~
- 3266 ~~task force designated by the Legislative Management Committee]~~ the Transportation
- 3267 Interim Committee for review prior to taking final action on the proposed rules or any
- 3268 proposed amendment to the rules described in Subsection (5).
- 3269 Section 27. Section **72-1-305** is amended to read:
- 3270 **72-1-305 (Effective 05/07/25). Project selection using the written prioritization**
- 3271 **process -- Public comment -- Report.**
- 3272 (1) Except as provided in Subsection (4), in determining priorities and funding levels of
- 3273 projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
- 3274 transportation capacity projects, the commission shall use the weighted criteria system
- 3275 adopted in the written prioritization process under Section 72-1-304.
- 3276 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
- 3277 system, the commission shall conduct public meetings at locations around the state and
- 3278 accept public comments on:
- 3279 (a) the written prioritization process;
- 3280 (b) the merits of new transportation capacity projects that will be prioritized under this
- 3281 section; and
- 3282 (c) the merits of new transportation capacity projects as recommended by a consensus of
- 3283 local elected officials participating in a metropolitan planning organization as defined
- 3284 in Section 72-1-208.5.
- 3285 (3) The commission shall make the weighted criteria system ranking for each project
- 3286 publicly available prior to the public meetings held under Subsection (2).
- 3287 (4)(a) If the commission prioritizes a project over another project with a higher rank
- 3288 under the weighted criteria system, the commission shall identify the change and
- 3289 accept public comment at a meeting held under this section on the merits of
- 3290 prioritizing the project above higher ranked projects.
- 3291 (b) The commission shall make the reasons for the prioritization under Subsection (4)(a)

3292 publicly available.

3293 (5)(a) The executive director or the executive director's designee shall report annually to  
3294 the governor and ~~[a committee designated by the Legislative Management Committee]~~  
3295 the Transportation Interim Committee no later than the last day of October:

3296 (i) the projects prioritized under this section during the year prior to the report; and

3297 (ii) the status and progress of all projects prioritized under this section.

3298 (b) Annually, before any funds are programmed and allocated from the Transit  
3299 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the  
3300 executive director or the executive director's designee, along with the executive  
3301 director of a large public transit district as described in Section 17B-2a-802, shall  
3302 report to the governor and ~~[a committee designated by the Legislative Management~~  
3303 ~~Committee]~~ the Transportation Interim Committee no later than the last day of  
3304 October:

3305 (i) the public transit projects prioritized under this section during the year prior to the  
3306 report; and

3307 (ii) the status and progress of all public transit projects prioritized under this section.

3308 (6) The department shall annually report to the Transportation Commission on the status of  
3309 new capacity transportation projects, including projects that were funded by the  
3310 Legislature in an appropriations act.

3311 Section 28. Section **72-2-106** is amended to read:

3312 **72-2-106 (Effective 07/01/25). Appropriation and transfers from Transportation**  
3313 **Fund.**

3314 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use  
3315 of the department an amount equal to two-elevenths of the taxes collected from the  
3316 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for  
3317 class B and class C roads, to be used for highway rehabilitation.

3318 ~~[(2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall~~  
3319 ~~annually transfer an amount equal to the amount of revenue generated by a tax imposed~~  
3320 ~~on motor and special fuel that is sold, used, or received for sale or used in this state at a~~  
3321 ~~rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by~~  
3322 ~~Section 72-2-124.]~~

3323 ~~[(3)]~~ (2) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall  
3324 annually transfer to the Transportation Investment Fund of 2005 created by Section  
3325 72-2-124 an amount that is equal to 35% of the amount of revenue generated in the

current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

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

Section 29. Section **72-2-121** is amended to read:

**72-2-121 (Effective upon governor's approval). County of the First Class Highway Projects Fund.**

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

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

- (a) any voluntary contributions received for new construction, major renovations, and improvements to highways within a county of the first class;
- (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b) deposited into or transferred to the fund;
- (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or transferred to the fund;
- (d) a portion of the local option highway construction and transportation corridor preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited into or transferred to the fund; and
- (e) the portion of the sales and use tax transferred into the fund as described in Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

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

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

(4) Subject to Subsection (11), the executive director shall use the fund money only:

- (a) to pay debt service and bond issuance costs for bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102;
- (b) for right-of-way acquisition, new construction, major renovations, and improvements to highways within a county of the first class and to pay any debt service and bond issuance costs related to those projects, including improvements to a highway located within a municipality in a county of the first class where the municipality is located within the boundaries of more than a single county;
- (c) for the construction, acquisition, use, maintenance, or operation of:
  - (i) an active transportation facility for nonmotorized vehicles;

- 3360 (ii) multimodal transportation that connects an origin with a destination; or  
3361 (iii) a facility that may include a:  
3362 (A) pedestrian or nonmotorized vehicle trail;  
3363 (B) nonmotorized vehicle storage facility;  
3364 (C) pedestrian or vehicle bridge; or  
3365 (D) vehicle parking lot or parking structure;
- 3366 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by  
3367 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the  
3368 amounts transferred in accordance with Subsection [72-2-124(4)(a)(iv)]  
3369 72-2-124(4)(a)(v);
- 3370 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond  
3371 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the  
3372 projects described in Subsection 63B-18-401(4)(a);
- 3373 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has  
3374 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in  
3375 the fund, to transfer an amount equal to 50% of the revenue generated by the local  
3376 option highway construction and transportation corridor preservation fee imposed  
3377 under Section 41-1a-1222 in a county of the first class:  
3378 (i) to the legislative body of a county of the first class; and  
3379 (ii) to be used by a county of the first class for:  
3380 (A) highway construction, reconstruction, or maintenance projects; or  
3381 (B) the enforcement of state motor vehicle and traffic laws;
- 3382 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified  
3383 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund  
3384 and the transfer under Subsection (4)(e) has been made, to annually transfer an  
3385 amount of the sales and use tax revenue imposed in a county of the first class and  
3386 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an  
3387 amount needed to cover the debt to:  
3388 (i) the appropriate debt service or sinking fund for the repayment of bonds issued  
3389 under Section 63B-27-102; and  
3390 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued  
3391 under Sections 63B-31-102 and 63B-31-103;
- 3392 (h) after the department has verified that the amount required under Subsection  
3393 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d),

3394 the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has  
3395 been made, to annually transfer \$2,000,000 to a public transit district in a county of  
3396 the first class to fund a system for public transit;

3397 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
3398 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund  
3399 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),  
3400 and the transfer under Subsection (4)(g)(i) has been made, to annually transfer 20%  
3401 of the amount deposited into the fund under Subsection (2)(b):

3402 (i) to the legislative body of a county of the first class; and  
3403 (ii) to fund parking facilities in a county of the first class that facilitate significant  
3404 economic development and recreation and tourism within the state;

3405 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for  
3406 15 years thereafter, to annually transfer the following amounts to the following cities  
3407 and the county of the first class for priority projects to mitigate congestion and  
3408 improve transportation safety:

3409 (i) \$2,000,000 to Sandy;  
3410 (ii) \$2,300,000 to Taylorsville;  
3411 (iii) \$1,100,000 to Salt Lake City;  
3412 (iv) \$1,100,000 to West Jordan;  
3413 (v) \$1,100,000 to West Valley City;  
3414 (vi) \$800,000 to Herriman;  
3415 (vii) \$700,000 to Draper;  
3416 (viii) \$700,000 to Riverton;  
3417 (ix) \$700,000 to South Jordan;  
3418 (x) \$500,000 to Bluffdale;  
3419 (xi) \$500,000 to Midvale;  
3420 (xii) \$500,000 to Millcreek;  
3421 (xiii) \$500,000 to Murray;  
3422 (xiv) \$400,000 to Cottonwood Heights; and  
3423 (xv) \$300,000 to Holladay; and

3424 (k) for the 2024-25 and 2025-26 fiscal years, and subject to revenue balances after the  
3425 distributions under Subsection (4)(j), to reimburse the following municipalities for  
3426 the amounts and projects indicated, as each project progresses and as revenue  
3427 balances allow:

- 3428 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from  
 3429 Grandville Avenue to Mountain View Corridor;
- 3430 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street  
 3431 and 700 West;
- 3432 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements  
 3433 throughout Salt Lake City;
- 3434 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard  
 3435 and 2300 East;
- 3436 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800  
 3437 South and I-15;
- 3438 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 3439 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 3440 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal trail  
 3441 between 11800 South and 13800 South;
- 3442 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700  
 3443 South;
- 3444 (x) \$470,000 to the department for construction of a sound wall on Bangerter  
 3445 Highway at approximately 11200 South;
- 3446 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800  
 3447 South and 5300 South;
- 3448 [~~(xii)~~ ~~\$1,450,000 to West Valley for construction of a road connecting 5400 South to~~  
 3449 ~~U-111;~~]
- 3450 [~~(xiii)~~] (xii) \$1,840,000 to Magna for construction and improvements to 8400 West  
 3451 and 4100 South;
- 3452 [~~(xiv)~~] (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting  
 3453 U-111 and Old Bingham Highway;
- 3454 [~~(xv)~~] (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000  
 3455 East between 3300 South and Atkin Avenue;
- 3456 [~~(xvi)~~] (xv) \$1,230,000 to Holladay for improvements to Highland Drive between  
 3457 Van Winkle Expressway and Arbor Lane;
- 3458 [~~(xvii)~~] (xvi) [~~\$1,800,000~~] \$3,250,000 to West Valley City for improvements to 4000  
 3459 West between 4100 South and 4700 South and improvements to 4700 South from  
 3460 4000 West to Bangerter Highway; and
- 3461 [~~(xviii)~~] (xvii) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215

interchange.

(5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in Subsection (4)(j), the executive director shall proportionately reduce the amounts transferred as described in Subsection (4)(j).

(b) A local government may not use revenue described in Subsection (4)(j) to supplant existing class B or class C road funds that a local government has budgeted for transportation projects.

(6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and 63B-27-102 are considered a local matching contribution for the purposes described under Section 72-2-123.

(7) The department may expend up to \$3,000,000 of revenue deposited into the account as described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as provided in Part [3] 4, Public Transit Innovation Grants.

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

(9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on the use or expenditure of the revenue sources deposited into this fund, the Department of Transportation may use the money in this fund for any of the purposes detailed in Subsection (4).

(10) Subject to Subsection (11), any revenue deposited into the fund as described in Subsection (2)(e) shall be used to provide funding or loans for public transit projects, operations, and supporting infrastructure in the county of the first class.

(11) For the first three years after a county of the first class imposes a sales and use tax authorized in Section 59-12-2220, revenue deposited into the fund as described in Subsection (2)(e) shall be allocated as follows:

(a) 10% to the department to construct an express bus facility on 5600 West; and

(b) 90% into the County of the First Class Infrastructure Bank Fund created in Section 72-2-302.

Section 30. Section **72-2-121.3** is amended to read:

**72-2-121.3 (Effective 05/07/25). Special revenue fund -- 2010 Salt Lake County Revenue Bond Sinking Fund.**

(1) There is created a special revenue fund within the County of the First Class Highway Projects Fund entitled "2010 Salt Lake County Revenue Bond Sinking Fund."

- 3496 (2) The fund consists of:
- 3497 (a) money transferred into the fund from the County of the First Class Highway Projects
- 3498 Fund in accordance with Subsection 72-2-121(4)(d); and
- 3499 (b) for a fiscal year beginning on or after July 1, 2013, money transferred into the fund
- 3500 from the Transportation Investment Fund of 2005 in accordance with Subsection [
- 3501 72-2-124(4)(a)(iv)] 72-2-124(4)(a)(v).
- 3502 (3)(a) The fund shall earn interest.
- 3503 (b) All interest earned on fund money shall be deposited into the fund.
- 3504 (4)(a) The director of the Division of Finance may use fund money only as provided in
- 3505 this section.
- 3506 (b) The director of the Division of Finance may not distribute any money from the fund
- 3507 under this section until the director has received a formal opinion from the attorney
- 3508 general that Salt Lake County has entered into a binding agreement with the state of
- 3509 Utah containing all of the terms required by Section 72-2-121.4.
- 3510 (c) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
- 3511 County as provided in the interlocal agreement required by Section 72-2-121.4 are
- 3512 paid off, on July 1 of each year beginning July 1, 2011, the director of the Division of
- 3513 Finance shall transfer from the County of the First Class Highway Projects Fund and
- 3514 the Transportation Investment Fund of 2005 to the 2010 Salt Lake County Revenue
- 3515 Bond Sinking Fund the amount certified by Salt Lake County that is necessary to pay:
- 3516 (i) up to two times the debt service requirement necessary to pay debt service on the
- 3517 revenue bonds issued by Salt Lake County for that fiscal year; and
- 3518 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
- 3519 interest, and fund any debt service reserve requirements.
- 3520 (d) Except as provided in Subsection (4)(b), and until the bonds issued by Salt Lake
- 3521 County as provided in the interlocal agreement required by Section 72-2-121.4 are
- 3522 paid off, the director of the Division of Finance shall, upon request from Salt Lake
- 3523 County, transfer to Salt Lake County or its designee from the 2010 Salt Lake County
- 3524 Revenue Bond Sinking Fund the amount certified by Salt Lake County as necessary
- 3525 to pay:
- 3526 (i) the debt service on the revenue bonds issued by Salt Lake County as provided in
- 3527 the interlocal agreement required by Section 72-2-121.4; and
- 3528 (ii) any additional amounts necessary to pay costs of issuance, pay capitalized
- 3529 interest, and fund any debt service reserve requirements.



- (5) Any money remaining in the 2010 Salt Lake County Revenue Bond Sinking Fund at the end of the fiscal year lapses to the County of the First Class Highway Projects Fund.

Section 31. Section **72-2-123** is amended to read:

**72-2-123 (Effective 05/07/25). Rules adopting guidelines -- Partnering to finance state highway capacity improvements -- Partnering proposals.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission, in consultation with representatives of local government, shall make rules adopting guidelines for partnering with counties and municipalities for their help to finance state highway improvement projects through:

- (a) local matching dollars;
- (b) agreements regarding new revenue a county or municipality expects will be generated as a result of the construction of a state highway improvement project; or
- (c) other local participation methods.

- (2) The guidelines described in Subsection (1) shall encourage partnering to help finance state highway improvement projects and provide for:

- (a) the consideration of factors relevant to a decision to make a program adjustment including the potential to:

- (i) extend department resources to other needed projects;
- (ii) alleviate significant existing or future congestion or hazards to the traveling public; and
- (iii) address a need that is widely recognized by the public, elected officials, and transportation planners;

- (b) a process for submitting, evaluating, and hearing partnering proposals; and
- (c) the creation of a public record of each proposal from initial submission to final disposition.

- (3) The commission shall submit the proposed rules under this section to ~~[a committee or task force designated by the Legislative Management Committee]~~ the Transportation Interim Committee for review prior to taking final action on the proposed rules or any proposed amendment to the rules.

Section 32. Section **72-2-124** is amended to read:

**72-2-124 (Effective 05/07/25). Transportation Investment Fund of 2005.**

- (1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.
- (2) The fund consists of money generated from the following sources:

- (a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;
- (b) appropriations made to the fund by the Legislature;
- (c) registration fees designated under Section 41-1a-1201;
- (d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and
- (e) revenues transferred to the fund in accordance with Section 72-2-106.

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

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

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

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

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

(iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;

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

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

~~[(v)]~~ (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

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

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

- 3598 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
3599 the costs needed for construction, reconstruction, or renovation of paved  
3600 pedestrian or paved nonmotorized transportation for projects that:  
3601 (A) mitigate traffic congestion on the state highway system;  
3602 (B) are part of an active transportation plan approved by the department; and  
3603 (C) are prioritized by the commission through the prioritization process for new  
3604 transportation capacity projects adopted under Section 72-1-304;
- 3605 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
3606 reconstruction, or renovation of or improvement to the following projects:  
3607 (A) the connector road between Main Street and 1600 North in the city of  
3608 Vineyard;  
3609 (B) Geneva Road from University Parkway to 1800 South;  
3610 (C) the SR-97 interchange at 5600 South on I-15;  
3611 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to  
3612 South Jordan Parkway;  
3613 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;  
3614 (F) improvements to 1600 North in Orem from 1200 West to State Street;  
3615 (G) widening I-15 between mileposts 6 and 8;  
3616 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;  
3617 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197  
3618 in Spanish Fork Canyon;  
3619 (J) I-15 northbound between mileposts 43 and 56;  
3620 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts  
3621 43 and 45.1;  
3622 (L) east Zion SR-9 improvements;  
3623 (M) Toquerville Parkway;  
3624 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;  
3625 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,  
3626 for construction of an interchange on Bangerter Highway at 13400 South; and  
3627 (P) an environmental impact study for Kimball Junction in Summit County;[~~and~~]
- 3628 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project  
3629 costs based upon a statement of cash flow that the local jurisdiction where the  
3630 project is located provides to the department demonstrating the need for money  
3631 for the project, for the following projects in the following amounts:

- (A) \$5,000,000 for Payson Main Street repair and replacement;
- (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10[:];

(xi) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:

- (A) \$3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin project; and
- (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project; and

(xii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of right-of-way acquisition and construction for improvements on SR-89 in a county of the first class.

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

(c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.

(ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.

(5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive

3666 director:

- 3667 (i) may program fund money in accordance with Subsection (4)(a) for a  
3668 limited-access facility or interchange connecting limited-access facilities;  
3669 (ii) may not program fund money for the construction, reconstruction, or renovation  
3670 of an interchange on a limited-access facility;  
3671 (iii) may program Transit Transportation Investment Fund money for a  
3672 multi-community fixed guideway public transportation project; and  
3673 (iv) may not program Transit Transportation Investment Fund money for the  
3674 construction, reconstruction, or renovation of a station that is part of a fixed  
3675 guideway public transportation project.

- 3676 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
3677 director before July 1, 2022, for projects prioritized by the commission under Section  
3678 72-1-304.

- 3679 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of  
3680 ineligibility for a county as described in Subsection 17-27a-408(7), the executive  
3681 director may not program fund money to a project prioritized by the commission  
3682 under Section 72-1-304, including fund money from the Transit Transportation  
3683 Investment Fund, within the boundaries of the unincorporated area of the county until  
3684 the department receives notification from the Housing and Community Development  
3685 Division within the Department of Workforce Services that ineligibility under this  
3686 Subsection (6) no longer applies to the county.

- 3687 (b) Within the boundaries of the unincorporated area of a county described in Subsection  
3688 (6)(a), the executive director:

- 3689 (i) may program fund money in accordance with Subsection (4)(a) for a  
3690 limited-access facility to a project prioritized by the commission under Section  
3691 72-1-304;  
3692 (ii) may not program fund money for the construction, reconstruction, or renovation  
3693 of an interchange on a limited-access facility;  
3694 (iii) may program Transit Transportation Investment Fund money for a  
3695 multi-community fixed guideway public transportation project; and  
3696 (iv) may not program Transit Transportation Investment Fund money for the  
3697 construction, reconstruction, or renovation of a station that is part of a fixed  
3698 guideway public transportation project.

- 3699 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive

3700 director before July 1, 2022, for projects prioritized by the commission under Section  
3701 72-1-304.

3702 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in  
3703 any fiscal year, the department and the commission shall appear before the Executive  
3704 Appropriations Committee of the Legislature and present the amount of bond  
3705 proceeds that the department needs to provide funding for the projects identified in  
3706 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current  
3707 or next fiscal year.

3708 (b) The Executive Appropriations Committee of the Legislature shall review and  
3709 comment on the amount of bond proceeds needed to fund the projects.

3710 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount  
3711 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
3712 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt  
3713 service or sinking fund.

3714 (9) The executive director may only use money in the fund for corridor preservation as  
3715 described in Subsection (4)(a)(iii):

3716 (a) if the project has been prioritized by the commission, including the use of fund  
3717 money for corridor preservation; or

3718 (b) for a project that has not been prioritized by the commission, if the commission:

3719 (i) approves the use of fund money for the corridor preservation; and

3720 (ii) finds that the use of fund money for corridor preservation will not result in any  
3721 delay to a project that has been prioritized by the commission.

3722 ~~[(9)]~~ (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit  
3723 Transportation Investment Fund.

3724 (b) The fund shall be funded by:

3725 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3726 (ii) appropriations into the account by the Legislature;

3727 (iii) deposits of sales and use tax increment related to a housing and transit  
3728 reinvestment zone as described in Section 63N-3-610;

3729 (iv) transfers of local option sales and use tax revenue as described in Subsection  
3730 59-12-2220(11)(b) or (c);

3731 (v) private contributions; and

3732 (vi) donations or grants from public or private entities.

3733 (c)(i) The fund shall earn interest.

- 3734 (ii) All interest earned on fund money shall be deposited into the fund.
- 3735 (d) Subject to Subsection [~~(9)(e)~~] (10)(e), the commission may prioritize money from the
- 3736 fund:
- 3737 (i) for public transit capital development of new capacity projects and fixed guideway
- 3738 capital development projects to be used as prioritized by the commission through
- 3739 the prioritization process adopted under Section 72-1-304;
- 3740 (ii) to the department for oversight of a fixed guideway capital development project
- 3741 for which the department has responsibility; or
- 3742 (iii) up to \$500,000 per year, to be used for a public transit study.
- 3743 (e)(i) Subject to Subsections [~~(9)(e)~~] (10)(g), (h), and (i), the commission may only
- 3744 prioritize money from the fund for a public transit capital development project or
- 3745 pedestrian or nonmotorized transportation project that provides connection to the
- 3746 public transit system if the public transit district or political subdivision provides
- 3747 funds of equal to or greater than 30% of the costs needed for the project.
- 3748 (ii) A public transit district or political subdivision may use money derived from a
- 3749 loan granted pursuant to~~[-Title 72, Chapter 2,]~~ Part 2, State Infrastructure Bank
- 3750 Fund, to provide all or part of the 30% requirement described in Subsection [
- 3751 ~~(9)(e)(i)~~] (10)(e)(i) if:
- 3752 (A) the loan is approved by the commission as required in~~[-Title 72, Chapter 2,]~~
- 3753 Part 2, State Infrastructure Bank Fund; and
- 3754 (B) the proposed capital project has been prioritized by the commission pursuant
- 3755 to Section 72-1-303.
- 3756 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 3757 an agreement for a large public transit district to pay the department \$5,000,000 per
- 3758 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 3759 emissions rail engines and trainsets for regional public transit rail systems.
- 3760 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
- 3761 (i) the commission may prioritize money from the fund for public transit projects,
- 3762 operations, or maintenance within the county of the first class; and
- 3763 (ii) Subsection [~~(9)(e)~~] (10)(e) does not apply.
- 3764 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
- 3765 (i) the commission may prioritize public transit projects, operations, or maintenance
- 3766 in the county from which the revenue was generated; and
- 3767 (ii) Subsection [~~(9)(e)~~] (10)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection ~~[(9)(e)]~~ (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part [3] 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

~~[(10)]~~ (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

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

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

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

~~[(11)]~~ (12)(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

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

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

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new



3802 transportation capacity projects adopted under Section 72-1-304;

3803 (B) serve a regional purpose; and

3804 (C) are part of an active transportation plan approved by the department or the  
3805 plan described in Subsection ~~[(11)(d)(ii)]~~ (12)(d)(ii);

3806 (ii) the development of a plan for a statewide network of paved pedestrian or paved  
3807 nonmotorized trails that serve a regional purpose; and

3808 (iii) the administration of the fund, including staff and overhead costs.

3809 ~~[(12)]~~ (13)(a) As used in this Subsection ~~[(12)]~~ (13), "commuter rail" means the same as  
3810 that term is defined in Section 63N-3-602.

3811 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail  
3812 Subaccount.

3813 (c) The subaccount shall be funded by:

3814 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

3815 (ii) appropriations into the subaccount by the Legislature;

3816 (iii) private contributions; and

3817 (iv) donations or grants from public or private entities.

3818 (d)(i) The subaccount shall earn interest.

3819 (ii) All interest earned on money in the subaccount shall be deposited into the  
3820 subaccount.

3821 (e) As prioritized by the commission through the prioritization process adopted under  
3822 Section 72-1-304 or as directed by the Legislature, the department may only use  
3823 money from the subaccount for projects that improve the state's commuter rail  
3824 infrastructure, including the building or improvement of grade-separated crossings  
3825 between commuter rail lines and public highways.

3826 (f) Appropriations made in accordance with this section are nonlapsing in accordance  
3827 with Section 63J-1-602.1.

3828 Section 33. Section **72-2-303** is amended to read:

3829 **72-2-303 (Effective 05/07/25). Loans and assistance -- Authority -- Rulemaking.**

3830 (1) Money in the fund may be used by the department, as prioritized by the commission or  
3831 as directed by the Legislature, to make infrastructure loans or to provide infrastructure  
3832 assistance to any public entity for any purpose consistent with any applicable  
3833 constitutional limitation.

3834 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3835 commission shall make rules providing procedures and standards for making

3836 infrastructure loans and providing infrastructure assistance and a process for  
3837 prioritization of requests for loans and assistance.

3838 (3) The prioritization process, procedures, and standards for making an infrastructure loan  
3839 or providing infrastructure assistance may include consideration of the following:

3840 (a) availability of money in the fund;

3841 (b) credit worthiness of the project;

3842 (c) demonstration that the project will encourage, enhance, or create economic benefits  
3843 to the state or political subdivision;

3844 (d) likelihood that assistance would enable the project to proceed at an earlier date than  
3845 would otherwise be possible;

3846 (e) the extent to which assistance would foster innovative public-private partnerships  
3847 and attract private debt or equity investment;

3848 (f) demonstration that the project provides a benefit to the state highway system,  
3849 including safety or mobility improvements;

3850 (g) the amount of proposed assistance as a percentage of the overall project costs with  
3851 emphasis on local and private participation;

3852 (h) demonstration that the project provides intermodal connectivity with public  
3853 transportation, pedestrian, or nonmotorized transportation facilities;[~~and~~]

3854 (i) improvement of transportation connectivity pursuant to Section 10-8-87; and

3855 [~~(i)~~] (j) other provisions the commission considers appropriate.

3856 Section 34. Section **72-2-401** is amended to read:

3857 **72-2-401 (Effective 05/07/25). Definitions.**

3858 As used in this part:

3859 (1) "Council of governments" means the same as that term is defined in Section 17B-2a-802.

3860 (2) "Grant" means a public transit innovation grant.

3861 (3) "High growth area" means an area or municipality within a public transit district that:

3862 (a) has significantly higher population increase relative to other areas within the county;  
3863 and

3864 (b) is projected to continue to have significant population growth.

3865 (4) "Public transit district" means the same as that term is defined in Section 17B-2a-802.

3866 (5)(a) "Public transit innovation grant" means a grant awarded on or after July 1, 2026,

3867 to provide targeted pilot programs to:

3868 (i) increase public transit ridership;

3869 (ii) increase public transit service in high growth areas within the public transit

3870 district; and

3871 (iii) work toward expanding public transit services.

3872 (b) "Public transit innovation grant" includes a grant to provide:

3873 (i) pilot bus routes and services in high growth areas;

3874 (ii) pilot shuttle connections between fixed guideway stations and job centers,  
3875 recreation and cultural facilities and attractions, or schools; and

3876 (iii) other pilot programs similar to those described in Subsections (5)(b)(i) and (ii) as  
3877 coordinated between the public transit district and political subdivisions within the  
3878 public transit district.

3879 Section 35. Section **72-2-402** is amended to read:

3880 **72-2-402 (Effective 05/07/25). Public transit innovation grant funding sources.**

3881 (1) In accordance with Section 72-2-403, the commission, in coordination with the  
3882 department, may rank, prioritize, and provide public transit innovation grants with  
3883 money derived from the following sources:

3884 (a) certain local option sales and use tax revenue as described in Subsection 59-12-2219  
3885 (11)(b); and

3886 (b) revenue deposited in accordance with Subsection 59-12-2220(11) into the County of  
3887 the First Class Highway Projects Fund created in Section 72-2-121.

3888 (2) In accordance with Section 72-2-124, the department may rank and prioritize public  
3889 transit innovation grants for capital development to the commission, to be funded with  
3890 money derived from the Transit Transportation Investment Fund as described in  
3891 Subsection [~~72-2-124(9)~~] 72-2-124(10).

3892 (3) Administrative costs of the department to administer public transit innovation grants  
3893 under this part shall be paid from the funds described in Subsection (1)(a).

3894 Section 36. Section **72-2-403** is amended to read:

3895 **72-2-403 (Effective 05/07/25). Public transit innovation grants -- Administration.**

3896 (1) The commission, in consultation with the department, relevant councils of governments,  
3897 metropolitan planning organizations, and public transit districts, shall develop a process  
3898 for the prioritization of grant proposals that includes:

3899 (a) instructions on making and submitting a grant proposal;

3900 (b) methodology for selecting grants; and

3901 (c) methodology for awarding grants.

3902 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3903 commission shall make rules to establish the process described in Subsection (1) and as

otherwise necessary to implement this part.

(3) ~~[The department shall]~~ On or after July 1, 2026, the department may:

(a) accept grant applications;

(b) rank grant proposals based on the objectives and criteria established in this part; and

(c) provide money to grant recipients as directed by the commission and in accordance with this part.

(4) A municipality or a group of municipalities may submit a grant proposal to the department.

(5)(a) A public transit innovation grant proposal shall include data, evidence, and information about:

(i) how the project will advance the purposes and goals of a public transit innovation grant described in Subsection 72-2-401(5);

(ii) how the proposed services will provide a direct public transit service benefit to the municipality or area;

(iii) the proposed mode of public transit or purpose for the funding;

(iv) the proposed operator of the service, including qualifications for any proposed operator that is not a public transit district;

(v) any funds provided by the municipality or group of municipalities as part of the grant proposal;

(vi) how the pilot service will improve ridership in the municipality or area; and

(vii) any other information that the municipality or public transit district finds relevant.

(b) A public transit innovation grant proposal may propose a term of up to three years.

(c) A public transit innovation grant proposal shall include information regarding integration and coordination with existing public transit services.

(6) In considering a public transit innovation grant proposal, the commission shall consider criteria including:

(a) population growth within the municipality or area relative to other municipalities or areas within the same county;

(b) how the proposal furthers the following objectives:

(i) increasing public transit ridership in the area;

(ii) improving connectivity for the first and last mile relative to other public transit services; and

(iii) improving public transit connectivity in high-growth areas within the public

transit district; and

(c) any funds proposed to be invested by the municipality or public transit district as part of the grant proposal.

(7) The grant proposal may allow for bids for a vendor or public transit district to provide or operate the proposed services.

(8) Subject to available funding described in Subsection 72-2-402(1), the commission may award a public transit innovation grant to a recipient that the commission determines furthers the objectives described in Subsections (5) and (6).

(9)(a) Subject to Subsection (9)(b), if the commission approves a grant to provide money from a local option sales and use tax described in Subsection 59-12-2219(11), a public transit district shall transfer the money to the department, and the department shall transfer the money to the grant recipient.

(b) A public transit district may offset money from a local option sales and use tax described in Subsection 59-12-2219(11) with other funds available to the public transit district.

(10) If the commission approves a grant to provide money as provided in Subsection 72-2-121(7), the department shall transfer the money to the grant recipient.

(11) Any grant funds, assets, or infrastructure acquired or improved through a public transit innovation grant under this part belong to the grant recipient.

Section 37. Section **72-3-109** is amended to read:

**72-3-109 (Effective 05/07/25). Division of responsibility with respect to state highways in cities and towns.**

(1) Except as provided in Subsection (3), the jurisdiction and responsibility of the department and the municipalities for state highways within municipalities is as follows:

(a) The department has jurisdiction over and is responsible for the construction and maintenance of:

(i) the portion of the state highway located between the back of the curb on either side of the state highway; or

(ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

(b) The department may widen or improve state highways within municipalities.

(c)(i) A municipality has jurisdiction over all other portions of the right-of-way and is responsible for construction and maintenance of the right-of-way.

(ii) If a municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or

object of any kind or character within the portion of the right-of-way under its jurisdiction:

(A) the permission shall contain the condition that any installation will be removed from the right-of-way at the request of the municipality; and

(B) the municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:

(I) to eliminate a hazard to traffic safety;

(II) for the construction and maintenance of the state highway; or

(III) to meet the requirements of federal regulations.

(iii) Except as provided in Subsection (1)(h), a municipality may not install or grant permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the state highway right-of-way under its jurisdiction without the prior written approval of the department.

(iv) The department may, by written agreement with a municipality, waive the requirement of its approval under Subsection (1)(c)(iii) for certain types and categories of installations.

(d) If it is necessary that a utility, as defined in Section 72-6-116, be relocated, reimbursement shall be made for the relocation as provided for in Section 72-6-116.

(e)(i) The department shall construct curbs, gutters, and sidewalks on the state highways if necessary for the proper control of traffic, driveway entrances, or drainage.

(ii) If a state highway is widened or altered and existing curbs, gutters, or sidewalks are removed, the department shall replace the curbs, gutters, or sidewalks.

(f)(i) ~~The department may furnish and install street lighting systems for state highways[, but their operation and maintenance is the responsibility of the municipality].~~

(ii) The municipality is responsible for the operation and maintenance of a street lighting system furnished and installed by the department, except that the department shall operate and maintain street lighting that the department furnishes and installs:

(A) along an interstate highway; or

(B) at a signalized intersection that includes a state highway.

(iii) Notwithstanding Subsection (1)(f)(ii)(B), the municipality is responsible for the

installation costs, operation, and maintenance of decorative lighting installed at the request of a municipality.

(g) If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the municipality in a proportion mutually agreed upon between the department and the municipality.

(h)(i) For a portion of a state highway right-of-way for which a municipality has jurisdiction, and upon request of the municipality, the department shall grant permission for the municipality to issue permits within the state highway right-of-way, provided that:

(A) the municipality gives the department seven calendar days to review and provide comments on the permit; and

(B) upon the request of the department, the municipality incorporates changes to the permit as jointly agreed upon by the municipality and the department.

(ii) If the department fails to provide a response as described in Subsection (1)(h)(i) within seven calendar days, the municipality may issue the permit.

(2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the location and construction of approach roads and driveways entering the state highway. The rules shall:

(i) include criteria for the design, location, and spacing of approach roads and driveways based on the functional classification of the adjacent highway, including the urban or rural nature of the area;

(ii) be consistent with the "Manual on Uniform Traffic Control Devices" and the model access management policy or ordinance developed by the department under Subsection 72-2-117(8);

(iii) include procedures for:

(A) the application and review of a permit for approach roads and driveways including review of related site plans that have been recommended according to local ordinances; and

(B) approving, modifying, denying, or appealing the modification or denial of a permit for approach roads and driveways within 45 days of receipt of the application; and

(iv) require written justifications for modifying or denying a permit.

(b) The department may delegate the administration of the rules to the highway

authorities of a municipality.

(c) In accordance with this section and Section 72-7-104, an approach road or driveway may not be constructed on a state highway without a permit issued under this section.

(3) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation of the interstate highways within municipalities.

Section 38. Section **72-6-118** is amended to read:

**72-6-118 (Effective 05/07/25). Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**

(1) As used in this section:

(a) "High occupancy toll lane" means a high occupancy vehicle lane designated under Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.

(b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

(c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.

(d)(i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.

(ii) "Tollway" includes a high occupancy toll lane and a toll lane.

(e) "Tollway development agreement" has the same meaning as defined in Section 72-6-202.

(2) Subject to the provisions of Subsection (3), the department may:

(a) establish, expand, and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;

(b) enter into contracts, agreements, licenses, franchises, tollway development agreements, or other arrangements to implement this section;

(c) impose and collect tolls on any tollway established under this section, including collection of past due payment of a toll or penalty;

(d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls pursuant to the terms and conditions of a tollway development agreement;



- 4074 (e) use technology to automatically monitor a tollway and collect payment of a toll,  
4075 including:  
4076 (i) license plate reading technology; and  
4077 (ii) photographic or video recording technology; and  
4078 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny  
4079 a request for registration of a motor vehicle if the motor vehicle owner has failed to  
4080 pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for  
4081 which registration renewal has been requested.

4082 (3)(a) The department may establish or operate a tollway on an existing highway if  
4083 approved by the commission in accordance with the terms of this section.

- 4084 (b) To establish a tollway on an existing highway, the department shall submit a  
4085 proposal to the commission including:  
4086 (i) a description of the tollway project;  
4087 (ii) projected traffic on the tollway;  
4088 (iii) the anticipated amount of the toll to be charged; and  
4089 (iv) projected toll revenue.

4090 (4)(a) For a tollway established under this section, the department may:

- 4091 (i) according to the terms of each tollway, impose the toll upon the owner of a motor  
4092 vehicle using the tollway according to the terms of the tollway;  
4093 (ii) send [~~correspondence~~] notice to the owner of the motor vehicle to inform the  
4094 owner of:  
4095 (A) an unpaid toll and the amount of the toll to be paid to the department;  
4096 (B) the penalty for failure to pay the toll timely; [~~and~~]  
4097 (C) [~~a~~] any hold being placed on the owner's registration for the motor vehicle if  
4098 the toll and penalty are not paid timely, which would prevent the renewal of the  
4099 motor vehicle's registration; and  
4100 (D) any other information required by the terms of the tollway;  
4101 (iii) require that the owner of the motor vehicle pay the toll to the department within  
4102 30 days of the date when the department sends written notice of the toll to the  
4103 owner; and  
4104 (iv) impose a penalty for failure to pay a toll timely.

- 4105 (b) The department shall [~~mail the correspondence and~~] provide the notice described in  
4106 Subsection (4)(a) to the owner of the motor vehicle according to the terms of a  
4107 tollway.

- 4108 (5)(a) The Division of Motor Vehicles and the department shall share and provide access  
4109 to information pertaining to a motor vehicle and tollway enforcement including:
- 4110 (i) registration and ownership information pertaining to a motor vehicle;
  - 4111 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or  
4112 penalty imposed under this section; and
  - 4113 (iii) the status of a request for a hold on the registration of a motor vehicle.
- 4114 (b) If the department requests a hold on the registration in accordance with this section,  
4115 the Division of Motor Vehicles may not renew the registration of a motor vehicle  
4116 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has  
4117 failed to pay a toll or penalty imposed under this section for usage of a tollway  
4118 involving the motor vehicle for which registration renewal has been requested until  
4119 the department withdraws the hold request.
- 4120 (6)(a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,  
4121 Utah Administrative Rulemaking Act, the commission shall:
- 4122 (i) set the amount of any toll imposed or collected on a tollway on a state highway;  
4123 and
  - 4124 (ii) for tolls established under Subsection (6)(b), set:
    - 4125 (A) an increase in a toll rate or user fee above an increase specified in a tollway  
4126 development agreement; or
    - 4127 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a  
4128 tollway development agreement.
- 4129 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a  
4130 tollway on a state highway that is the subject of a tollway development agreement  
4131 shall be set in the tollway development agreement.
- 4132 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4133 the department shall make rules:
- 4134 (i) necessary to establish and operate tollways on state highways;
  - 4135 (ii) that establish standards and specifications for automatic tolling systems and  
4136 automatic tollway monitoring technology; and
  - 4137 (iii) to set the amount of a penalty for failure to pay a toll under this section.
- 4138 (b) The rules shall:
- 4139 (i) include minimum criteria for having a tollway; and
  - 4140 (ii) conform to regional and national standards for automatic tolling.
- 4141 (8)(a) The commission may provide funds for public or private tollway pilot projects or

4142 high occupancy toll lanes from General Fund money appropriated by the Legislature  
4143 to the commission for that purpose.

4144 (b) The commission may determine priorities and funding levels for tollways designated  
4145 under this section.

4146 (9)(a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a  
4147 state highway shall be deposited into the Tollway Special Revenue Fund created in  
4148 Section 72-2-120 and used for any state transportation purpose.

4149 (b) Revenue generated from a tollway that is the subject of a tollway development  
4150 agreement shall be deposited into the Tollway Special Revenue Fund and used in  
4151 accordance with Subsection (9)(a) unless:

4152 (i) the revenue is to a private entity through the tollway development agreement; or

4153 (ii) the revenue is identified for a different purpose under the tollway development  
4154 agreement.

4155 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

4156 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,  
4157 Chapter 2, Government Records Access and Management Act, if the photographic or  
4158 video data is maintained by a governmental entity;

4159 (b) may not be used or shared for any purpose other than the purposes described in this  
4160 section;

4161 (c) may only be preserved:

4162 (i) so long as necessary to collect the payment of a toll or penalty imposed in  
4163 accordance with this section; or

4164 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
4165 equivalent federal warrant; and

4166 (d) may only be disclosed:

4167 (i) in accordance with the disclosure requirements for a protected record under  
4168 Section 63G-2-202; or

4169 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
4170 equivalent federal warrant.

4171 (11)(a) The department may not sell for any purpose photographic or video data  
4172 captured under Subsection (2)(e)(ii).

4173 (b) The department may not share captured photographic or video data for a purpose not  
4174 authorized under this section.

4175 Section 39. Section **72-6-206** is amended to read:

**72-6-206 (Effective 05/07/25). Commission approval and legislative review of tollway development agreement provisions.**

- (1) Prior to the department entering into a tollway development agreement under Section 72-6-203, the department shall submit to the commission for approval the tollway development agreement, including:
  - (a) a description of the tollway facility, including the conceptual design of the facility and all proposed interconnections with other transportation facilities;
  - (b) the proposed date for development, operation, or both of the tollway facility;
  - (c) the proposed term of the tollway development agreement;
  - (d) the proposed method to determine toll rates or user fees, including:
    - (i) identification of vehicle or user classifications, or both, for toll rates;
    - (ii) the original proposed toll rate or user fee for the tollway facility;
    - (iii) proposed toll rate or user fee increases; and
    - (iv) a maximum toll rate or user fee for the tollway facility; and
  - (e) any proposed revenue, public or private, or proposed debt or equity investment that will be used for the design, construction, financing, acquisition, maintenance, or operation of the tollway facility.
- (2) Prior to amending or modifying a tollway development agreement, the department shall submit the proposed amendment or modification to the commission for approval.
- (3) The department shall annually report to the Transportation Interim Committee [~~or another committee designated by the Legislative Management Committee~~] on the status and progress of a tollway subject to a tollway development agreement under Section 72-6-203.

Section 40. Section **72-10-109** is amended to read:

**72-10-109 (Effective 05/07/25). Certificate of registration of aircraft required -- Exceptions.**

- (1) Except as provided in Subsection (2), a person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft [~~operating~~] based in this state for 181 or more days within any consecutive 12-month period unless the aircraft has a current certificate of registration issued by the department.
- (2) The state registration requirement under Subsection (1) does not apply to:
  - (a) aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft;
  - (b) a non-passenger-carrying flight solely for inspection or test purposes authorized by

4210 the Federal Aviation Administration to be made without the certificate of registration;  
 4211 or

4212 (c) aircraft operating under 14 C.F.R. Part 121, with a maximum takeoff weight  
 4213 exceeding 35,000 pounds.

4214 (3) Beginning on January 1, 2025, a person may not operate in this state an unmanned  
 4215 aircraft system or an advanced air mobility aircraft for commercial operation for which  
 4216 certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current  
 4217 certificate of registration issued by the department.

4218 (4) The department shall, on or before December 31 of each calendar year, provide to the  
 4219 State Tax Commission a list of each aircraft for which a current certificate of registration  
 4220 is issued by the department under Subsection (1).

4221 Section 41. **Repealer.**

4222 This bill repeals:

4223 Section **63B-8-503, Highway intent language.**

4224 Section **72-2-118, Centennial Highway Fund.**

4225 Section **72-4-222, Governor Scott Matheson and Senator Jake Garn Rest Area.**

4226 Section 42. **FY 2026 Appropriations.**

4227 The following sums of money are appropriated for the fiscal year beginning July 1,  
 4228 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for  
 4229 fiscal year 2026.

4230 Subsection 42(a). **Capital Project Funds**

4231 The Legislature has reviewed the following capital project funds. The Legislature  
 4232 authorizes the State Division of Finance to transfer amounts between funds and accounts as  
 4233 indicated.

4234 ITEM 1 To Transportation - Transportation Investment Fund of 2005

4235 From General Fund (330,000,000)

4236 Schedule of Programs:

4237 Transportation Investment Fund (330,000,000)

4238 Section 43. **Effective Date.**

4239 (1) Except as provided in Subsections (2) and (3), this bill takes effect May 7, 2025.

4240 (2) The actions affecting Section 72-1-217 and Section 72-2-121 take effect:

4241 (a) except as provided in Subsection (2)(b), May 7, 2025; or

4242 (b) if approved by two-thirds of all members elected to each house:

4243 (i) upon approval by the governor;

- 4244           (ii) without the governor's signature, the day following the constitutional time limit of  
4245           Utah Constitution, Article VII, Section 8; or  
4246           (iii) in the case of a veto, the date of veto override.
- 4247       (3) The actions affecting Section 59-12-103 (Effective 07/01/25) and Section 72-2-106  
4248       (Effective 07/01/25) take effect on July 1, 2025.