

HB0162S01 compared with HB0162S06

19 This bill provides a special effective date.

21 AMENDS:

22 **59-12-2216** , as last amended by Laws of Utah 2024, Chapter 501 , as last amended by Laws of
Utah 2024, Chapter 501

19 ~~{59-12-2220 , as last amended by Laws of Utah 2024, Chapters 498, 501 , as last amended by
Laws of Utah 2024, Chapters 498, 501}~~

23

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

25 Section 1. Section **59-12-2216** is amended to read:

26 **59-12-2216. County option sales and use tax for a fixed guideway, to fund a system for
public transit, or for highways -- Base -- Rate -- Allocation and expenditure of revenues.**

26 (1) Subject to the other provisions of this part, a county legislative body may impose a sales and use tax
of up to .30% on the transactions described in Subsection 59-12-103(1) within the county, including
the cities and towns within the county.

29 (2)

(a) Subject to Subsection (3), before obtaining voter approval in accordance with Section 59-12-2208,
a county legislative body shall adopt a resolution specifying the percentage of revenues the
county will receive from the sales and use tax under this section that will be allocated to fund uses
described in Section 59-12-2212.2.

33 (b) A county legislative body of a county of the third through sixth class that imposes a sales and
use tax as described in Subsection (1) on or after January 1, 2024, shall specify the percentage
of revenues the county will receive from the sales and use tax under this section that will be
allocated to fund uses described in Section 59-12-2212.2 or for public safety purposes as provided in
Subsection (3)(b).

38 (3)

(a) Except as provided in Subsection (2)(b), a county legislative body shall in the resolution described
in Subsection (2) allocate 100% of the revenues the county will receive from the sales and use tax
under this section for one or more of the purposes described in Section 59-12-2212.2.

42 (b) ~~[In]~~ Subject to Subsection (3)(c), in addition to the purposes described in Section 59-12-2212.2,
a county legislative body of a county of the third through sixth class that imposes a sales and use

HB0162S01 compared with HB0162S06

tax as authorized in this section on or after January 1, 2024, may allocate revenues to public safety purposes.

46 (c) ~~{For}~~ Except as provided in Subsection (3)(d), for any funds distributed for public safety purposes
as allowed in Subsection (3)(b), a county legislative body of a county of the third through sixth
class:

48 ~~{(i) {may use the funds for:}}~~

49 ~~{(A)}~~ (i) may use the funds for public safety infrastructure, including jails or other buildings; ~~{or}~~ and

50 ~~{(B) {public safety or law enforcement vehicles or equipment; and}}~~

51 (ii) may not use the funds for:

52 (A) operations or maintenance of public safety entities; ~~{or}~~

56 (B) public safety or law enforcement vehicles or equipment; or

53 ~~{(B)}~~ (C) except as provided in Subsection (3)(d), salaries of public safety or law enforcement
personnel.

54 ~~{(4)}~~ A county of the third through sixth class that imposed a tax under this section on or before
January 1, 2025, that has used or budgeted the funds generated by a sales and use tax imposed under
this section to pay for salaries of public safety or law enforcement personnel may continue to use the
funds to pay for salaries of public safety or law enforcement personnel until December 31, 2027.

64 (4) Notwithstanding Section 59-12-2208, the opinion question required by Section 59-12-2208 shall
state the allocations the county legislative body makes in accordance with this section.

57 (5) The revenues collected from a sales and use tax under this section shall be:

58 (a) allocated in accordance with the allocations specified in the resolution under Subsection (2); and

60 (b) expended as provided in this section.

61 (6) If a county legislative body allocates revenues collected from a sales and use tax under this section
for a state highway project, before beginning the state highway project within the county, the county
legislative body shall:

64 (a) obtain approval from the Transportation Commission to complete the project; and

65 (b) enter into an interlocal agreement established in accordance with Title 11, Chapter 13, Interlocal
Cooperation Act, with the Department of Transportation to complete the project.

68 (7)

HB0162S01 compared with HB0162S06

- (a) If after a county legislative body imposes a sales and use tax under this section the county legislative body seeks to change an allocation specified in the resolution under Subsection (2), the county legislative body may change the allocation by:
- 71 (i) adopting a resolution specifying the percentage of revenues the county will receive from the sales and use tax under this section that will be allocated to fund one or more of the items described in Section 59-12-2212.2_or Subsection (2)(b);~~[-{f} and]~~
- 75 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of all of the members of the county legislative body; and
- 77 (iii) subject to Subsection (8)(a):
- 78 (A) in accordance with Section 59-12-2208, submitting an opinion question to the county's registered voters voting on changing the allocation so that each registered voter has the opportunity to express the registered voter's opinion on whether the allocation should be changed; and
- 82 (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.
- 85 (b) A county of the third through sixth class that imposes a sales and use tax as authorized in this section on or after January 1, 2024, that seeks to change the allocation of the revenues is not required to submit the opinion question to the county's registered voters.
- 89 (8)
- (a) Notwithstanding Section 59-12-2208, the opinion question required by Subsection ~~[(7)(e)(i)]~~ (7)(a)(iii) shall state the allocations specified in the resolution adopted in accordance with Subsection (7)(a)(i) and approved by the county legislative body in accordance with Subsection ~~[(7)(b)]~~ (7)(a)(ii).
- 93 (b) Notwithstanding Section 59-12-2208, a county legislative body of a county of the third through sixth class that imposes a sales and use tax under this section on or after January 1, 2024, may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 98 (9) Revenues collected from a sales and use tax under this section that a county allocates for a state highway within the county shall be:
- 100 (a) deposited into the Highway Projects Within Counties Fund created by Section 72-2-121.1; and
- 102 (b) expended as provided in Section 72-2-121.1.
- 103 (10)

HB0162S01 compared with HB0162S06

(a) Notwithstanding Section 59-12-2206 and subject to Subsection (10)(b), revenues collected from a sales and use tax under this section that a county allocates for a project, debt service, or bond issuance cost relating to a highway that is a principal arterial highway or minor arterial highway that is included in a metropolitan planning organization's regional transportation plan, but is not a state highway, shall be transferred to the Department of Transportation if the transfer of the revenues is required under an interlocal agreement:

110 (i) entered into on or before January 1, 2010; and

111 (ii) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

112 (b) The Department of Transportation shall expend the revenues described in Subsection (10)(a) as provided in the interlocal agreement described in Subsection (10)(a).

114 ~~{Section 2. Section 59-12-2220 is amended to read: }~~

115 **59-12-2220. County option sales and use tax to fund highways or a system for public transit**
-- Base -- Rate.

117 (1) Subject to the other provisions of this part and subject to the requirements of this section, the following counties may impose a sales and use tax under this section:

119 (a) a county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

122 (i) the entire boundary of a county is annexed into a large public transit district; and

123 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to Section 59-12-2203 and authorized under the following sections has been imposed:

125 (A) Section 59-12-2213;

126 (B) Section 59-12-2214;

127 (C) Section 59-12-2215;

128 (D) Section 59-12-2216;

129 (E) Section 59-12-2217;

130 (F) Section 59-12-2218; and

131 (G) Section 59-12-2219;

132 (b) if the county is not annexed into a large public transit district, the county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

HB0162S01 compared with HB0162S06

- 136 (i) the county is an eligible political subdivision; or
137 (ii) a city or town within the boundary of the county is an eligible political subdivision; or
139 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may impose
the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the
county, including the cities and towns within the county.
- 142 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a county
legislative body that imposes a sales and use tax under this section may impose the tax at a rate
of .2%.
- 145 (3)
(a) The commission shall distribute sales and use tax revenue collected under this section as determined
by a county legislative body as described in Subsection (3)(b).
- 147 (b) If a county legislative body imposes a sales and use tax as described in this section, the county
legislative body may elect to impose a sales and use tax revenue distribution as described in
Subsection (4), (5), (6), or (7), depending on the class of county, and presence and type of a public
transit provider in the county.
- 151 (4) If a county legislative body imposes a sales and use tax as described in this section, and the entire
boundary of the county is annexed into a large public transit district, and the county is a county of
the first class, the commission shall distribute the sales and use tax revenue as follows:
- 155 (a) .10% to a public transit district as described in Subsection (11);
156 (b) .05% to the cities and towns as provided in Subsection (8); and
157 (c) .05% to the county legislative body.
- 158 (5) If a county legislative body imposes a sales and use tax as described in this section and the entire
boundary of the county is annexed into a large public transit district, and the county is a county not
described in Subsection (4), the commission shall distribute the sales and use tax revenue as follows:
- 162 (a) .10% to a public transit district as described in Subsection (11);
163 (b) .05% to the cities and towns as provided in Subsection (8); and
164 (c) .05% to the county legislative body.
165 (6)
(a) Except as provided in Subsection (12)(c), if the entire boundary of a county that imposes a sales
and use tax as described in this section is not annexed into a single public transit district, but a city
or town within the county is annexed into a single public transit district, or if the city or town is an

HB0162S01 compared with HB0162S06

eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or (c).

171 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is annexed into the
single public transit district, or an eligible political subdivision, the commission shall distribute the
sales and use tax revenue collected within the portion of the county that is within a public transit
district or eligible political subdivision as follows:

176 (i) .05% to a public transit provider as described in Subsection (11);

177 (ii) .075% to the cities and towns as provided in Subsection (8); and

178 (iii) .075% to the county legislative body.

179 (c) Except as provided in Subsection (12)(c), for a city, town, or portion of the county described
in Subsection (6)(a) that is not annexed into a single public transit district or eligible political
subdivision in the county, the commission shall distribute the sales and use tax revenue collected
within that portion of the county as follows:

183 (i) .08% to the cities and towns as provided in Subsection (8); and

184 (ii) .12% to the county legislative body.

185 (7) For a county without a public transit service that imposes a sales and use tax as described in this
section, the commission shall distribute the sales and use tax revenue collected within the county as
follows:

188 (a) .08% to the cities and towns as provided in Subsection (8); and

189 (b) .12% to the county legislative body.

190 (8)

(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions required by
Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:

192 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)
(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to
the unincorporated areas, cities, and towns within those counties on the basis of the percentage
that the population of each unincorporated area, city, or town bears to the total population of all
of the counties that impose a tax under this section; and

198 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)

(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to

HB0162S01 compared with HB0162S06

the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

- 203 (b)
- (i) Population for purposes of this Subsection (8) shall be determined on the basis of the most recent official census or census estimate of the United States Census Bureau.
- 206 (ii) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from an estimate from the Utah Population Estimates Committee created by executive order of the governor.
- 209 (c)
- (i) Beginning on January 1, 2024, if the Housing and Community Development 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.
- 216 (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.
- 222 (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.
- 227 (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.
- 231

HB0162S01 compared with HB0162S06

- (b) [H] Subject to Subsection (10)(c), 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.
- 235 (c) For any funds distributed in accordance with Subsection (4)(c) used for public safety purposes as
allowed in Subsection (10)(b), a county of the first class:
- 237 (i) may use the funds for:
- 238 (A) public safety infrastructure, including jails or other buildings; or
- 239 (B) public safety or law enforcement vehicles or equipment; and
- 240 (ii) may not use the funds for:
- 241 (A) operations or maintenance of public safety entities; or
- 242 (B) salaries of public safety or law enforcement personnel.
- 243 (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:
- 246 (i) a public transit district;
- 247 (ii) an eligible political subdivision; or
- 248 (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.
- 250 (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.
- 256 (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.
- 260 (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):

HB0162S01 compared with HB0162S06

- 264 (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
- 267 (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).
- 270 (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).
- 276 (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):
- 281 (A) 50% shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9); and
- 283 (B) 50% shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).
- 285 (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 body to be used for a purpose described in Subsection (11)(a).
- 289 (12)
- (a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 292 (b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins on the date the commission receives written notice from the county of the passage of the ordinance.

HB0162S01 compared with HB0162S06

- 296 (c) A county that imposed the local option sales and use tax described in this section before January 1,
2023, may maintain that county's distribution allocation in place as of January 1, 2023.
- 299 (13)
- (a) Revenue collected from a sales and use tax under this section may not be used to supplant existing
General Fund appropriations that a county, city, or town budgeted for transportation or public transit
as of the date the tax becomes effective for a county, city, or town.
- 303 (b) The limitation under Subsection (13)(a) does not apply to a designated transportation or public
transit capital or reserve account a county, city, or town established before the date the tax becomes
effective.

124 Section 2. **Effective date.**

This bill takes effect on January 1, 2026.

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