

HB0282S01 compared with HB0282

{Omitted text} shows text that was in HB0282 but was omitted in HB0282S01
inserted text shows text that was not in HB0282 but was inserted into HB0282S01

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1 **Transportation Earmark Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jennifer Dailey-Provost
Senate Sponsor:

LONG TITLE

General Description:

This bill reduces a sales and use tax earmark that directs revenue into the Transportation Investment Fund of 2005.

Highlighted Provisions:

This bill:

- reduces a sales and use tax earmark that directs revenue into the Transportation Investment Fund of 2005 to ensure that the revenue remains in the General Fund.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

~~{59-12-103 (Effective 05/06/26) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapter 490}~~

HB0282 compared with HB0282S01

17 **59-12-103** ~~{(Effective 07/01/26)}~~, as last amended by Laws of Utah 2025, Chapter 285

18

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

22 ~~{Section 1. Section 59-12-103 is amended to read: }~~

23 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax
revenue.**

25 (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:

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

28 (b) amounts paid for:

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

31 (ii) mobile telecommunications service that originates and terminates within the boundaries of one state
 only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et
 seq.; or

34 (iii) an ancillary service associated with a:

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

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

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

38 (i) gas;

39 (ii) electricity;

40 (iii) heat;

41 (iv) coal;

42 (v) fuel oil; or

43 (vi) other fuels;

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

45 (i) gas;

46 (ii) electricity;

47 (iii) heat;

48 (iv) coal;

49 (v) fuel oil; or

HB0282 compared with HB0282S01

50 (vi) other fuels;

51 (e) sales of prepared food;

52 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

62 (g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

65 (i) the tangible personal property; and

66 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1) (g)(i), regardless of whether:

68 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or

70 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;

72 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;

74 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;

76 (j) amounts paid or charged for laundry or dry cleaning services;

77 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:

79 (i) stored;

80 (ii) used; or

81 (iii) otherwise consumed;

82 (l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:

84 (i) stored;

HB0282 compared with HB0282S01

85 (ii) used; or

86 (iii) consumed;

87 (m) amounts paid or charged for a sale:

88 (i)

89 (A) of a product transferred electronically; or

90 (B) of a repair or renovation of a product transferred electronically; and

91 (ii) regardless of whether the sale provides:

92 (A) a right of permanent use of the product; or

93 (B) a right to use the product that is less than a permanent use, including a right:

94 (I) for a definite or specified length of time; and

95 (II) that terminates upon the occurrence of a condition; and

96 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.

97 (2)

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

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

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

101 (B)

102 (I) 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

103 (II) 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

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

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

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

HB0282 compared with HB0282S01

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

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

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

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

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

129 (e)

130 (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.

134 (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.

137 (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.

140 (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.

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

145 (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).

148 (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

HB0282 compared with HB0282S01

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.

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

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

159 (vi) A car-sharing program shall:

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

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

163 (f)

164 (i) For a bundled transaction that is attributable to food and food ingredients and tangible personal
165 property other than food and food ingredients, a state tax and a local tax is imposed on the entire
166 bundled transaction equal to the sum of:
167 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
168 (I) the tax rate described in Subsection (2)(a)(i)(A); and
169 (II)
170 (Aa) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act,
171 if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in
172 a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
173 and
174 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax
175 Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is
176 in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part
177 20, Supplemental State Sales and Use Tax Act; and
178 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in
179 Subsection (2)(a)(ii).

180 (ii) If an optional computer software maintenance contract is a bundled transaction that consists of
181 taxable and nontaxable products that are not separately itemized on an invoice or similar billing

HB0282 compared with HB0282S01

document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.

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

187 (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:

192 (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

196 (II) state or federal law provides otherwise; or

197 (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:

201 (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

205 (II) state or federal law provides otherwise.

206 (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.

209 (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:

216 (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

HB0282 compared with HB0282S01

219 (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.

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

223 (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

227 (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.

230 (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.

233 (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:

237 (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

240 (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.

244 (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.

247 (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:

249 (i) Subsection (2)(a)(i)(A);

250 (ii) Subsection (2)(b)(i);

251 (iii) Subsection (2)(c)(i); or

HB0282 compared with HB0282S01

252 (iv) Subsection (2)(f)(i)(A)(I).

253 (j)

254 (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after
255 the effective date of the tax rate increase if the billing period for the transaction begins before the
256 effective date of a tax rate increase imposed under:

257 (A) Subsection (2)(a)(i)(A);

258 (B) Subsection (2)(b)(i);

259 (C) Subsection (2)(c)(i); or

260 (D) Subsection (2)(f)(i)(A)(I).

261 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for
262 the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate
263 decrease imposed under:

264 (A) Subsection (2)(a)(i)(A);

265 (B) Subsection (2)(b)(i);

266 (C) Subsection (2)(c)(i); or

267 (D) Subsection (2)(f)(i)(A)(I).

268 (k)

269 (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the
270 basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate
271 takes effect:

272 (A) on the first day of a calendar quarter; and

273 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

274 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

275 (A) Subsection (2)(a)(i)(A);

276 (B) Subsection (2)(b)(i);

277 (C) Subsection (2)(c)(i); or

278 (D) Subsection (2)(f)(i)(A)(I).

279 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
280 may by rule define the term "catalogue sale."

281 (l)

HB0282 compared with HB0282S01

- (i) For a location described in Subsection (2)(l)(ii), the commission shall determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
- 285 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is furnished through a single meter for two or more of the following uses:
 - 288 (A) a commercial use;
 - 289 (B) an industrial use; or
 - 290 (C) a residential use.
- 291 (3)
 - (a) The following state taxes shall be deposited into the General Fund:
 - 292 (i) the tax imposed by Subsection (2)(a)(i)(A);
 - 293 (ii) the tax imposed by Subsection (2)(b)(i);
 - 294 (iii) the tax imposed by Subsection (2)(c)(i); and
 - 295 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
 - 296 (b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:
 - 298 (i) the tax imposed by Subsection (2)(a)(ii);
 - 299 (ii) the tax imposed by Subsection (2)(b)(ii);
 - 300 (iii) the tax imposed by Subsection (2)(c)(ii); and
 - 301 (iv) the tax imposed by Subsection (2)(f)(i)(B).
 - 302 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 303 (4)
 - (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):
 - 306 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 - 307 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 - 308 (B) for the fiscal year; or
 - 309 (ii) \$17,500,000.
 - 310 (b)
 - (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in Subsection (4) (a) shall be transferred each year as designated sales and use tax revenue to the Division of Wildlife Resources to:

HB0282 compared with HB0282S01

313 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect
314 sensitive plant and animal species; or

315 (B) award grants, up to the amount authorized by the Legislature in an appropriations act,
316 to political subdivisions of the state to implement the measures described in Subsections
317 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species.

318 (ii) Money transferred to the Division of Wildlife Resources under Subsection (4)(b)(i) may not be used
319 to assist the United States Fish and Wildlife Service or any other person to list or attempt to have
320 listed a species as threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.
321 Sec. 1531 et seq.

322 (iii) At the end of each fiscal year:

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

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

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

329 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in Subsection
330 (4)(a) shall be transferred each year as designated sales and use tax revenue to the Division of
331 Conservation created in Section 4-46-401 to implement water related programs.

332 (d)

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

337 (ii) At the end of each fiscal year:

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

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

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

HB0282 compared with HB0282S01

348 (e)

(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)

352 (a) shall be deposited into the Water Resources Conservation and Development Fund created in

355 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

352 Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:

355 (A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a

361 cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface

362 and ground water resources and describing the hydrologic systems of an area in sufficient detail so

364 as to enable local and state resource managers to plan for and accommodate growth in water use

368 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

371 and legal staff.

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

375 (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount created in Section

378 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

381 (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount created in Section

384 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

388 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

388 difference between the following amounts shall be expended as provided in this Subsection (5), if

391 that difference is greater than \$1:

(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the fiscal year

394 by a 1/16% tax rate on the transactions described in Subsection (1); and

(ii) \$17,500,000.

HB0282 compared with HB0282S01

382 (b)

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

384 (A) transferred each fiscal year to the Department of Natural Resources as designated sales and use tax revenue; and

385 (B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.

387 (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.

390 (c)

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

394 (A) transferred each fiscal year to the Division of Water Resources as designated sales and use tax revenue; and

396 (B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.

399 (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.

403 (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:

404 (i) preconstruction costs:

406 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and

408 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

410 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;

413 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

HB0282 compared with HB0282S01

(iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

416 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the remaining difference described in Subsection (5)(a) shall be deposited each year into the Water Rights Restricted Account created by Section 73-2-1.6.

419 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year.

423 (7)

428 (a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d), for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to [24%] 17% of the revenue collected from the following sales and use taxes:

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

430 (ii) the tax imposed by Subsection (2)(b)(i);

431 (iii) the tax imposed by Subsection (2)(c)(i); and

432 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

436 (b)

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

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

439 (B) the tax imposed by Subsection (2)(b)(i);

440 (C) the tax imposed by Subsection (2)(c)(i); and

441 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

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

443 (c)

HB0282 compared with HB0282S01

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

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

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

(C) revenue transferred by the Division of Finance to the Transportation Investment Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

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

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

(d)

(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under this Subsection (7) by an amount that is 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).

(ii) The commission shall annually deposit the amount described in Subsection (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 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);

HB0282 compared with HB0282S01

- 479 (iii) the tax imposed by Subsection (2)(c)(i); and
- 480 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

- 481 (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.
- 486 (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.
- 488 (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.
- 491 (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.
- 497 (11)
 - (a) The rate specified in this subsection is 0.15%.
 - 498 (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.
- 503 (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.
- 507 (13)
 - (a) Notwithstanding Subsection (3)(a) and except as provided in Subsections (17), (18), and (19), and as described in Section 63N-3-610, beginning the first day of a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established under Title 63N,

HB0282 compared with HB0282S01

Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring 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.

516 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as provided in Subsections (17), (18), and (19), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

529 (14) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2025, the commission shall, in accordance with Subsection (14)(b), transfer a portion of the taxes listed under Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:

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

534 (ii) the tax imposed by Subsection (2)(b)(i);

535 (iii) the tax imposed by Subsection (2)(c)(i); and

536 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

537 (b) The commission shall transfer the portion of the taxes described in Subsection (14)(a) as follows:

539 (i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted Account in fiscal year 2025; and

542 (ii) for any amount exceeding the amount described in Subsection (14)(b)(i), 50% into the Outdoor Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.

HB0282 compared with HB0282S01

546 (15) Notwithstanding Subsection (3)(a) and except as provided in Subsections (17), (18), and (19),
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.

551 (16)
(a) As used in this Subsection (16):
552 (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 (16)(c).
555 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority,
 created in Section 11-59-201.
557 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
559 (b) Notwithstanding Subsection (3)(a) and except as provided in Subsection (17), (18), and (19), 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.
563 (c) The distribution under Subsection (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:
566 (i) accurately describes the point of the mountain state land; and
567 (ii) the point of the mountain authority certifies as accurate.
568 (d) A distribution under Subsection (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:
571 (i) accurately describes the point of the mountain state land, including the additional land; and
573 (ii) the point of the mountain authority certifies as accurate.
574 (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 (16)(b), the point of the mountain authority shall
 immediately notify the commission in writing that the bonds are paid in full.

HB0282 compared with HB0282S01

(ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection (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 (16)(e)(i).

582 (17)

583 (a) As used in this Subsection (17):

584 (i) "Applicable percentage" means:

584 (A) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, 15% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (17)(a)(ii)(A);

589 (B) for 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 for sales occurring within the qualified development zone described in Subsection (17)(a)(ii)(B); and

593 (C) for the Point of the Mountain State Land Authority created in Section 11-59-201, 50% of the revenue from sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (17)(a)(ii)(C).

597 (ii) "Qualified development zone" means:

598 (A) the sales and use tax boundary of a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Act;

601 (B) the district sales tax boundary as defined in Section 11-70-101 for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201; or

604 (C) the sales and use tax boundary of point of the mountain state land, as defined in Section 11-59-102, under the Point of the Mountain State Land Authority created in Section 11-59-201.

607 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

610 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be deposited into the General Fund.

612 (18)

613 (a) As used in Subsections (18) and (19):

613 (i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount

HB0282 compared with HB0282S01

equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (18)(a)(ii).

619 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center
reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and
Transit Reinvestment Zone Act.

622 (iii) "Qualifying construction materials" means construction materials that are:

623 (A) delivered to a delivery outlet within a qualified development zone; and

624 (B) intended to be permanently attached to real property within the qualified development zone.

626 (b) For a sale of qualifying construction materials, the commission shall distribute the product
calculated in Subsection (18)(c) to a qualified development zone if the seller of the construction
materials:

629 (i) establishes a delivery outlet with the commission within the qualified development zone;

631 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (18)(b)
(i); and

633 (iii) does not report the sales of the construction materials on a simplified electronic return.

635 (c) For the purposes of Subsection (18)(b), the product is equal to:

636 (i) the sales price or purchase price of the qualifying construction materials; and

637 (ii) the applicable percentage.

638 (19)

639 (a) As used in this Subsection (19), "Schedule J sale" means a sale reported on State Tax Commission
Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.

641 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified
development zone shall be distributed into the General Fund.

20 Section 1. Section **59-12-103** is amended to read:

21 **59-12-103. ~~{Effective 07/01/26}~~ Sales and use tax base -- Rates -- Effective dates -- Use of
sales and use tax revenue.**

646 (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:

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

649 (b) amounts paid for:

HB0282 compared with HB0282S01

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

652 (ii) mobile telecommunications service that originates and terminates within the boundaries of one state
653 only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et
654 seq.; or

655 (iii) an ancillary service associated with a:
656 (A) telecommunications service described in Subsection (1)(b)(i); or
657 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

658 (c) sales of the following for commercial use:
659 (i) gas;
660 (ii) electricity;
661 (iii) heat;
662 (iv) coal;
663 (v) fuel oil; or
664 (vi) other fuels;

665 (d) sales of the following for residential use:
666 (i) gas;
667 (ii) electricity;
668 (iii) heat;
669 (iv) coal;
670 (v) fuel oil; or
671 (vi) other fuels;

672 (e) sales of prepared food;

673 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for
theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts,
carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting
events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard
parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating
rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other
amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

HB0282 compared with HB0282S01

683 (g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless
684 Section 59-12-104 provides for an exemption from sales and use tax for:
685 (i) the tangible personal property; and
686 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1)
687 (g)(i), regardless of whether:
688 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or
689 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt
690 from a tax under this chapter;
691 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or
692 washing of tangible personal property;
693 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court
694 accommodations and services;
695 (j) amounts paid or charged for laundry or dry cleaning services;
696 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the
697 tangible personal property is:
698 (i) stored;
699 (ii) used; or
700 (iii) otherwise consumed;
701 (l) amounts paid or charged for tangible personal property if within this state the tangible personal
702 property is:
703 (i) stored;
704 (ii) used; or
705 (iii) consumed;
706 (m) amounts paid or charged for a sale:
707 (i) (A) of a product transferred electronically; or
708 (B) of a repair or renovation of a product transferred electronically; and
709 (ii) regardless of whether the sale provides:
710 (A) a right of permanent use of the product; or
711 (B) a right to use the product that is less than a permanent use, including a right:
712 (I) for a definite or specified length of time; and

HB0282 compared with HB0282S01

715 (II) that terminates upon the occurrence of a condition; and

716 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.

718 (2)

719 (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are imposed on a
720 transaction described in Subsection (1) equal to the sum of:
721 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
722 (A) 4.70%;
723 (B) the rate specified in Subsection (6)(a); and
724 (C) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax
725 Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is
726 in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part
727 20, Supplemental State Sales and Use Tax Act; and
728 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction
729 under this chapter other than this part.

730 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local
731 tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:
732 (i) a state tax imposed on the transaction at a tax rate of 2%; and
733 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under
734 this chapter other than this part.

735 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts
736 paid or charged for food and food ingredients equal to the sum of:
737 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of
738 1.75%; and
739 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or
740 charged for food and food ingredients under this chapter other than this part.

741 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for
742 fuel to a common carrier that is a railroad for use in a locomotive engine at a rate equal to the sum of
743 the rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B).

744 (e)

745 (i)

HB0282 compared with HB0282S01

- (A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle owner, for a car sharing or shared vehicle transaction 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.
- (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)(C) 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 Subsections (2)(a)(i)(A) and (2)(a)(i)(B) 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)

HB0282 compared with HB0282S01

- (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) the tax rates described in Subsection (2)(a)(i); 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.

816 (g)

HB0282 compared with HB0282S01

- (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.

HB0282 compared with HB0282S01

851 (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.

854 (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:

856 (i) Subsection (2)(a)(i)(A);

857 (ii) Subsection (2)(a)(i)(B);

858 (iii) Subsection (2)(b)(i);

859 (iv) Subsection (2)(c)(i); or

860 (v) Subsection (2)(f)(i)(A).

861 (j)

862 (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:

863 (A) Subsection (2)(a)(i)(A);

864 (B) Subsection (2)(a)(i)(B);

865 (C) Subsection (2)(b)(i);

866 (D) Subsection (2)(c)(i); or

867 (E) Subsection (2)(f)(i)(A).

868 (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:

869 (A) Subsection (2)(a)(i)(A);

870 (B) Subsection (2)(a)(i)(B);

871 (C) Subsection (2)(b)(i);

872 (D) Subsection (2)(c)(i); or

873 (E) Subsection (2)(f)(i)(A).

874 (k)

875 (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

HB0282 compared with HB0282S01

881 (A) on the first day of a calendar quarter; and
882 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

884 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
885 (A) Subsection (2)(a)(i)(A);
886 (B) Subsection (2)(a)(i)(B);
887 (C) Subsection (2)(b)(i);
888 (D) Subsection (2)(c)(i); or
889 (E) Subsection (2)(f)(i)(A).

890 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may by rule define the term "catalogue sale."

892 (l)

893 (i) For a location described in Subsection (2)(l)(ii), the commission shall determine the taxable status of
894 a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas,
895 electricity, heat, coal, fuel oil, or other fuel at the location.

896 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is
897 furnished through a single meter for two or more of the following uses:
898 (A) a commercial use;
899 (B) an industrial use; or
900 (C) a residential use.

901 (3)

902 (a) The commission shall deposit the following state taxes into the General Fund:
903 (i) the tax imposed by Subsection (2)(a)(i)(A);
904 (ii) the tax imposed by Subsection (2)(b)(i);
905 (iii) the tax imposed by Subsection (2)(c)(i);
906 (iv) the tax imposed by Subsection (2)(d); and
907 (v) the tax imposed by Subsection (2)(f)(i)(A).

908 (b) The commission shall distribute the following local taxes to a county, city, or town as provided in
909 this chapter:
910 (i) the tax imposed by Subsection (2)(a)(ii);
911 (ii) the tax imposed by Subsection (2)(b)(ii);
912 (iii) the tax imposed by Subsection (2)(c)(ii); and

HB0282 compared with HB0282S01

913 (iv) the tax imposed by Subsection (2)(f)(i)(B).

914 (4)

917 (a) Notwithstanding Subsection (3)(a), for each fiscal year the commission shall make the deposits
described in Subsections (4)(b) through (4)(h) from the revenue from the taxes imposed by:

918 (i) Subsection (2)(a)(i)(A);

919 (ii) Subsection (2)(b)(i);

920 (iii) Subsection (2)(c)(i); and

921 (iv) Subsection (2)(f)(i)(A).

924 (b) The commission shall deposit 15% of the difference between 1.4543% of the revenue described in
Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Rights Restricted
Account created in Section 73-2-1.6.

928 (c) The commission shall deposit 85% of the difference between 1.4543% of the revenue described
in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Resources
Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water
Resources for:

929 (i) preconstruction costs:

931 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River
Development Act; and

933 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73,
Chapter 28, Lake Powell Pipeline Development Act;

935 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26,
Bear River Development Act;

938 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by
Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

941 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (5)(b)(iv)
(B) after funding the uses specified in Subsections (4)(c)(i) through (iii).

943 (d) The commission shall deposit 1.4543% of the revenue described in Subsection (4)(a) into the Water
Infrastructure Restricted Account created in Section 73-10g-103.

943 (e)

HB0282 compared with HB0282S01

- (i) Subject to Subsection (4)(e)(ii), the commission shall deposit [26.24%] 19.24% of the revenue described in Subsection (4)(a) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- (ii) The commission shall annually reduce the deposit described in Subsection (4)(e)(i) by the sum of:
 - (A) \$1,813,400;
 - (B) the earmark described in Subsection (5)(c); and
 - (C) an amount equal to 35% of the 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 in the state that exceeds 29.4 cents per gallon.
- (iii) The amount described in Subsection (4)(e)(ii)(C) shall be annually deposited into the Transit Transportation Investment Fund created in Section 72-2-124.
- (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Commuter Rail Subaccount created in Section 72-2-124.
- (h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902 as follows:
 - (i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted Account in fiscal year 2025; and
 - (ii) for any amount exceeding the amount described in Subsection (4)(h)(i), 50% into the Outdoor Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.

(5)

- (a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make the deposits described in this Subsection (5).
- (b)
- (i)
 - (A) The commission shall deposit \$500,000 to the Department of Natural Resources to be used for watershed rehabilitation or restoration.

HB0282 compared with HB0282S01

(B) At the end of each fiscal year, 100% of any unexpended amount described in Subsection (5) (b)(i)(A) shall lapse into the Water Resources Conservation and Development Fund created in Section 73-10-24.

976 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.

979 (iii) The commission shall deposit \$525,000 into the Division of Conservation created in Section 4-46-401 to implement water related programs.

981 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources:

984 (A) for the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24;

986 (B) to 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;

992 (C) to fund state required dam safety improvements; and

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

995 (v) The commission shall deposit \$3,587,500 into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

998 (vi) The commission shall deposit \$3,587,500 into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:

1001 (A) 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;

1004 (B) develop underground sources of water, including springs and wells; and

1005 (C) develop surface water sources.

1006 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources to:

1008 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species; or

HB0282 compared with HB0282S01

- (B) award grants, up to the amount authorized by the Legislature in an appropriations act, to political subdivisions of the state to implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect sensitive plant and animal species.
- 1014 (viii) Funds transferred to the Division of Wildlife Resources under Subsection (5)(b)(vii)(A) may not be used to assist the United States Fish and Wildlife Service or any other person to list or attempt to have listed a species as threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.
- 1019 (ix) At the end of each fiscal year, any unexpended amounts described in Subsections (5)(b)(vii)(A) and (B) shall lapse:
 - 1021 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
 - 1023 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
 - 1025 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1027 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of water rights.
- 1030 (xi) At the end of each fiscal year, any unexpended amounts described in Subsection (5)(b)(x) shall lapse:
 - 1032 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
 - 1034 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
 - 1036 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1038 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment Fund created in Section 72-2-124.
- 1040 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food Agencies Fund created by and expended in accordance with Section 35A-8-1009.
- 1042 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program created by and to be expended in accordance with Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 1046 (6)
 - (a) The rate specified in this Subsection (6) is 0.15%.
 - 1047 (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 (6)

HB0282 compared with HB0282S01

(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(B) into the Medicaid ACA Fund created in Section 26B-1-315.

1052 (7)

(a) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610, beginning the first day of a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring 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.

1061 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1074 (8) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), 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), on transactions occurring within the district sales tax area, as defined in Section 11-70-101.

1079 (9)

(a) As used in this Subsection (9):

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HB0282 compared with HB0282S01

- (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 (9)(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.

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- (b) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), 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), on transactions occurring on the point of the mountain state land.

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- (c) The distribution under Subsection (9)(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.

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- (d) A distribution under Subsection (9)(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.

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- (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 (9)(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 (9)(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 (9)(e)(i).

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- (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in Section 63N-2-503.5 is deposited into the Convention Incentive Fund created in Section 63N-2-503.5.
- (11)
 - (a) As used in this Subsection (11):
 - (i) "Applicable percentage" means:

HB0282 compared with HB0282S01

1115 (A) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, 15% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(A);

1120 (B) for 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 for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(B); and

1124 (C) for the Point of the Mountain State Land Authority created in Section 11-59-201, 50% of the revenue from sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(C).

1128 (ii) "Qualified development zone" means:

1129 (A) the sales and use tax boundary of a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Act;

1132 (B) the district sales tax boundary as defined in Section 11-70-101 for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201; or

1135 (C) the sales and use tax boundary of point of the mountain state land, as defined in Section 11-59-102, under the Point of the Mountain State Land Authority created in Section 11-59-201.

1138 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

1141 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be deposited into the General Fund.

1143 (12)

1144 (a) As used in Subsections (12) and (13):

(i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (12)(a)(ii).

1150 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

HB0282 compared with HB0282S01