

**Transportation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

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**LONG TITLE****General Description:**

This bill amends provisions related to transportation, including road usage charge, towing dispatch, and local option sales tax use.

**Highlighted Provisions:**

This bill:

- requires commercial electric vehicles over 6,000 pounds to pay a road usage charge with a higher road usage charge cap;
- exempts buses operating on the bus's planned route to temporarily cross lane lines to stop at a bus stop;
- exempts the Department of Transportation from certain requirements related to receiving a conveyance of real property;
- provides a sales tax exemption for construction materials purchased by the Department of Transportation for certain public transit capital development projects;
- phases out certain allowed uses of local option sales taxes for transportation to direct the revenue to the Transit Transportation Investment Fund;
- defines the Utah trail network;
- delegates certain authority to the executive director of the Department of Transportation during a natural disaster;
- requires local governments that receive funds from the County of the First Class Highway Projects Fund to report on the expenditure of funds and the progress of projects;
- allows the Transportation Commission to prioritize the use of Transit Transportation Investment Fund revenue for corridor preservation purposes and provides parameters for the use of the revenue;
- allows certain rail road transportation funds to be used to repair tracks and rail infrastructure located on state lands;
- allows the Department of Transportation to waive sovereign immunity for public transit projects;

- amends the definition of "state transportation purposes";
- amends provisions related to the ability to charge towing dispatch service fees and pass through a reasonable towing dispatch service fee;
- repeals the study required by the Department of Transportation and Salt Lake City regarding highway reduction strategies;
- codifies certain requirements based on the findings and results of the study on highway reduction strategies; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

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

**41-1a-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294

**41-1a-1206 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 215, 279

**41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws of Utah 2025, Chapter 527

**57-1-48 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 399

**59-12-104 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

**59-12-2220 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

**63I-1-272 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 391

**72-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 373

**72-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 22, 219

**72-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 144

**72-1-213.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452

**72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah 2025, Chapter 452

**72-2-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 8

**72-2-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special

Session, Chapter 17

**72-2-124 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

**72-2-124 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

**72-2-131 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 531

**72-2-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 16

**72-2-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 501

**72-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 22

**72-6-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 424

**72-9-604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378

**72-19-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, Chapter 512

ENACTS:

**72-1-219 (Effective 05/06/26)**, Utah Code Annotated 1953

**72-20-101 (Effective 05/06/26)**, Utah Code Annotated 1953

**72-20-102 (Effective 05/06/26)**, Utah Code Annotated 1953

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

Section 1. Section **41-1a-202** is amended to read:

**41-1a-202 (Effective 05/06/26). Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.**

(1) As used in this section:

(a) "Designated agent" means the same as that term is defined in Section 41-12a-803.

(b) "Domicile" means the place:

(i) where an individual has a fixed permanent home and principal establishment;

(ii) to which the individual if absent, intends to return; and

(iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

(c)(i) "Resident" means any of the following:

(A) an individual who:

(I) has established a domicile in this state;

(II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

- 99 (III) engages in a trade, profession, or occupation in this state or who accepts  
100 employment in other than seasonal work in this state and who does not  
101 commute into the state;
- 102 (IV) declares himself to be a resident of this state for the purpose of obtaining a  
103 driver license or motor vehicle registration; or
- 104 (V) declares himself a resident of Utah to obtain privileges not ordinarily  
105 extended to nonresidents, including going to school, or placing children in  
106 school without paying nonresident tuition or fees; or
- 107 (B) any individual, partnership, limited liability company, firm, corporation,  
108 association, or other entity that:
- 109 (I) maintains a main office, branch office, or warehouse facility in this state  
110 and that bases and operates a motor vehicle in this state; or
- 111 (II) operates a motor vehicle in intrastate transportation for other than seasonal  
112 work.
- 113 (ii) "Resident" does not include any of the following:
- 114 (A) a member of the military temporarily stationed in Utah;
- 115 (B) an out-of-state student, as classified by the institution of higher education,  
116 enrolled with the equivalent of seven or more quarter hours, regardless of  
117 whether the student engages in a trade, profession, or occupation in this state or  
118 accepts employment in this state; and
- 119 (C) an individual domiciled in another state or a foreign country that:
- 120 (I) is engaged in public, charitable, educational, or religious services for a  
121 government agency or an organization that qualifies for tax-exempt status  
122 under Internal Revenue Code Section 501(c)(3);
- 123 (II) is not compensated for services rendered other than expense  
124 reimbursements; and
- 125 (III) is temporarily in Utah for a period not to exceed 24 months.
- 126 (iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a  
127 vehicle equipped with an automated driving system as defined in Section  
128 41-26-102.1 if the vehicle is physically present in the state for more than 30  
129 consecutive days in a calendar year.
- 130 (2)(a) Registration under this chapter is not required for any:
- 131 (i) vehicle registered in another state and owned by a nonresident of the state or  
132 operating under a temporary registration permit issued by the division or a dealer

- 133 authorized by this chapter, driven or moved upon a highway in conformance with  
134 the provisions of this chapter relating to manufacturers, transporters, dealers, lien  
135 holders, or interstate vehicles;
- 136 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the  
137 highway from one property to another;
- 138 (iii) implement of husbandry, whether of a type otherwise subject to registration or  
139 not, that is only incidentally operated or moved upon a highway;
- 140 (iv) special mobile equipment;
- 141 (v) vehicle owned or leased by the federal government;
- 142 (vi) motor vehicle not designed, used, or maintained for the transportation of  
143 passengers for hire or for the transportation of property if the motor vehicle is  
144 registered in another state and is owned and operated by a nonresident of this state;
- 145 (vii) vehicle or combination of vehicles designed, used, or maintained for the  
146 transportation of persons for hire or for the transportation of property if the  
147 vehicle or combination of vehicles is registered in another state and is owned and  
148 operated by a nonresident of this state and if the vehicle or combination of  
149 vehicles has a gross laden weight of 26,000 pounds or less;
- 150 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and  
151 maintained for hire for the transportation of property or person;
- 152 (ix) single-axle trailer unless that trailer is:
- 153 (A) a commercial vehicle;
- 154 (B) a trailer designed, used, and maintained for hire for the transportation of  
155 property or person; or
- 156 (C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more  
157 laden weight;
- 158 (x) manufactured home or mobile home;
- 159 (xi) off-highway vehicle currently registered under Section 41-22-3 if the  
160 off-highway vehicle is:
- 161 (A) being towed;
- 162 (B) operated on a street or highway designated as open to off-highway vehicle  
163 use; or
- 164 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
- 165 (xii) off-highway implement of husbandry operated in the manner prescribed in  
166 Subsections 41-22-5.5(3) through (5);

- (xiii) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;
- (xiv) electric assisted bicycle defined under Section 41-6a-102;
- (xv) motor assisted scooter defined under Section 41-6a-102; or
- (xvi) electric personal assistive mobility device defined under Section 41-6a-102.
- (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii), incidental operation on a highway includes operation that is:
- (i) transportation of raw agricultural materials or other agricultural related operations; and
- (ii) limited to 100 miles round trip on a highway.
- (3)(a) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, or restored-modified vehicle within 60 days of the owner establishing residency in this state.
- (b)(i) The commission may contract with a designated agent described in Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, to determine the address for which a contract for owner's or operator's security pertaining to a certain vehicle or vessel is tied.
- (ii) If the information provided by the designated agent under Subsection (3)(b)(i) indicates that the owner of a vehicle or vessel is a resident of this state, the commission may investigate to ensure compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, and Title 73, Chapter 18, State Boating Act.
- (c) If the commission's investigation described in Subsection (3)(b)(ii) determines that the owner of the vehicle or vessel is not in compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, or Title 73, Chapter 18, State Boating Act, the commission:
- (i) may impose a penalty on the owner of the vehicle or vessel of \$150; and
- (ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and allow 60 days after the date on which the notice was issued for the owner of the vehicle or vessel to comply with the provisions identified in the commission's investigation described in Subsection (3)(b)(ii).
- (d) If the owner of a vehicle or vessel fails to comply as directed within the time period

described in Subsection (3)(c), the commission~~[created in Section 41-3-104]~~ may impose on the owner of the vehicle or vessel a penalty equal to the greater of:

- (i) if the commission finds there was an underpayment of tax under Title 59, Chapter 12, Sales and Use Tax Act, a penalty as provided in Subsection 59-1-401(7); or
- (ii) \$500.

(e) Upon making a record of the commission's actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any penalty imposed under Subsection (3)(c) or (3)(d).

(f)(i) The commission shall deposit money from a penalty under Subsections (3)(c)(i) and (3)(d)(ii) for failure to properly register or title a vehicle or vessel ~~[pursuant to]~~ in accordance with this chapter, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, into the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.

(ii) The commission shall deposit money from a penalty under this Subsection (3)(d)(i) for failure to pay a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, into the General Fund.

(4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.

(5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.

Section 2. Section **41-1a-1206** is amended to read:

**41-1a-1206 (Effective 05/06/26). Registration fees -- Fees by gross laden weight.**

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

- (a) \$46.00 for each motorcycle;
- (b) \$44 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding motorcycles;
- (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
  - (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
  - (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

- 235 (d)(i) \$53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds  
236 gross laden weight; plus  
237 (ii) \$9 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 238 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding  
239 farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross laden  
240 weight; plus  
241 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 242 (f)(i) \$69.50 for each park model recreational vehicle over 14,000 pounds, but not  
243 exceeding 16,000 pounds gross laden weight; plus  
244 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 245 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 246 (h) in addition to the fee described in Subsection (1)(b):  
247 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:  
248 (A) each electric motor vehicle; and  
249 (B) ~~[Each]~~ each motor vehicle not described in this Subsection (1)(h) that is fueled  
250 exclusively by a source other than motor fuel, diesel fuel, natural gas, or  
251 propane;  
252 (ii) \$21.75 for each hybrid electric motor vehicle; and  
253 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 254 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a  
255 model year of 1983 or newer, 50 cents; and  
256 (j) \$28.50 for each roadable aircraft.
- 257 (2)(a) At the time application is made for registration or renewal of registration of a  
258 vehicle under this chapter for a six-month registration period under Section  
259 41-1a-215.5, a registration fee shall be paid to the division as follows:  
260 (i) \$34.50 for each motorcycle; and  
261 (ii) \$33.50 for each motor vehicle of 14,000 pounds or less gross laden weight,  
262 excluding motorcycles.
- 263 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of  
264 registration of a vehicle under this chapter for a six-month registration period under  
265 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:  
266 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:  
267 (A) each electric motor vehicle; and  
268 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled



- 269 exclusively by a source other than motor fuel, diesel fuel, natural gas, or  
270 propane;
- 271 (ii) \$16.50 for each hybrid electric motor vehicle; and  
272 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 273 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 274 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),  
275 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual  
276 shall also pay an additional \$7 as part of the registration fee; and  
277 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also  
278 pay an additional \$5 as part of the registration fee.
- 279 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually  
280 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),  
281 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),  
282 by taking the registration fee rate for the previous year and adding an amount  
283 equal to the greater of:
- 284 (A) an amount calculated by multiplying the registration fee of the previous year  
285 by the actual percentage change during the previous fiscal year in the  
286 Consumer Price Index; and  
287 (B) 0.
- 288 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually  
289 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and  
290 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and  
291 adding an amount equal to the greater of:
- 292 (A) an amount calculated by multiplying the registration fee of the previous year  
293 by the actual percentage change during the previous fiscal year in the  
294 Consumer Price Index; and  
295 (B) 0.
- 296 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the  
297 nearest 25 cents.
- 298 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or  
299 older is \$40.
- 300 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal  
301 of registration fees under Subsection (1).
- 302 (c) A vehicle with a Purple Heart special group license plate issued on or before

- December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).
- (d) A camper is exempt from the registration fees under Subsection (1).
- (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 14,000 pounds.
- (6)(a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.
- (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.
- (7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate, as provided in Section 41-1a-228, for a fee of \$130.
- (8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts are double the amounts due for a 12-month registration of the same vehicle.
- (9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:
- (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- (b)(i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or
- (ii) the truck has a gross vehicle weight rating of 14,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.
- (10) A violation of Subsection (9) is an infraction that shall be punished by a fine of not less than \$200.
- (11) A motor vehicle registered as a street-legal all-terrain vehicle is:
- (a) subject to the registration and other fees described in Section 41-22-9; and
- (b) not required to pay an additional registration fee under this section.
- (12) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.
- Section 3. Section **41-6a-710** is amended to read:
- 41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27). Roadway divided into marked lanes -- Provisions -- Traffic-control devices.**
- On a roadway divided into two or more clearly marked lanes for traffic the following

provisions apply and any violation of this section is an infraction:

(1)(a) Except as provided in Subsection (1)(c), a person operating a vehicle:

(i) shall keep the vehicle as nearly as practical entirely within a single lane; and

(ii) may not move the vehicle from the lane until the operator has reasonably determined the movement can be made safely.

(b) A determination under Subsection (1)(a)(ii) is reasonable if a reasonable person acting under the same conditions and having regard for actual and potential hazards then existing would determine that the movement could be made safely.

(c) Subsection (1)(a) does not apply to:

(i) an individual operating a motorcycle engaging in lane filtering as described in Section 41-6a-704[?];

(ii) a school bus that temporarily impedes a parking or bike lane while operating along the school bus's planned route and schedule; or

(iii) a public transit vehicle, as defined in Section 17B-2a-802, that temporarily impedes a parking or bike lane while operating along the public transit vehicle's planned route and schedule.

(2)(a) On a roadway divided into three or more lanes and providing for two-way movement of traffic, a person operating a vehicle may not drive in the center lane except:

(i) when overtaking and passing another vehicle traveling in the same direction, and when the center lane is:

(A) clear of traffic within a safe distance; and

(B) not a two-way left turn lane;

(ii) in preparation of making or completing a left turn in compliance with Section 41-6a-801; or

(iii) where the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is proceeding as indicated by traffic-control devices.

(b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a person operating a vehicle may drive in a center lane that is a two-way left turn lane if:

(i) the center lane is:

(A) on a roadway divided into three or more lanes that provides for two-way movement of traffic; and

(B) clear of traffic within a safe distance;

- 371 (ii) there is only one lane of travel in the direction the person operating the vehicle is  
372 traveling; and
- 373 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped  
374 that is moving at less than the reasonable speed of traffic that is present.
- 375 (3)(a) A highway authority may erect traffic-control devices directing specified traffic to  
376 use a designated lane or designating those lanes to be used by traffic moving in a  
377 particular direction regardless of the center of the roadway.
- 378 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected  
379 under Subsection (3)(a).
- 380 (4)(a) A person operating a motor vehicle may not drive within a bicycle lane except:
- 381 (i) to cross a bicycle lane when turning into an intersection, street, alley, driveway, or  
382 other parking area;
- 383 (ii) when responding to striping, traffic control devices, or emergency conditions; or  
384 (iii) while operating:
- 385 (A) an authorized emergency vehicle;
- 386 (B) a snow removal vehicle;
- 387 (C) a vehicle providing municipal-type services, as defined in Section 19-3-303;
- 388 (D) a school bus or transit vehicle, as defined in Section 17B-2a-802, to load or  
389 unload passengers; or
- 390 (E) a vehicle used by a postal service, as defined in Section 76-6-1001.
- 391 (b) A person operating a motor vehicle within a bicycle lane as described in Subsection  
392 (4)(a)(i) shall yield the right of way to all bicycle traffic within the lane.

393 Section 4. Section **57-1-48** is amended to read:

394 **57-1-48 (Effective 05/06/26). Conveyance by deed to a public entity.**

- 395 (1) [A] Subject to Subsection (5), a grantor may convey real property by deed to a public  
396 entity, and a public entity may accept real property conveyed by deed from a grantor, as  
397 described in this section.
- 398 (2) Real property conveyed to a public entity shall be conveyed by:
- 399 (a) if the conveyance is between two public entities, recording a deed conveying real  
400 property;
- 401 (b) if there is no purchaser for a property offered at a tax sale, complying with the  
402 procedure described in Section 59-2-1351.3; and
- 403 (c) if the grantor is not a public entity:
- 404 (i) recording a deed conveying real property along with a public entity affidavit that

- 405 complies with Subsection (4); or
- 406 (ii) recording a deed that has been notarized and signed by:
- 407 (A) the grantor of the property; and
- 408 (B) an authorized representative of the public entity.
- 409 (3) A conveyance of real property by deed that is recorded in a county recorder's office
- 410 after ~~[July 1, 2025]~~ May 6, 2026, is voidable by the public entity intended to receive the
- 411 real property until the earlier of the day on which:
- 412 (a) a public entity affidavit approving the transfer is recorded; or
- 413 (b) the deed conveying the real property is signed by an authorized employee or officer
- 414 of the public entity.
- 415 (4) A public entity affidavit shall be in substantially the following form:
- 416 "PUBLIC ENTITY AFFIDAVIT
- 417 I, \_\_\_\_\_(insert name), being of legal age and authorized by \_\_\_\_\_ (name
- 418 of public entity), hereafter "public entity," being first duly sworn, depose and state as follows:
- 419 The public entity consents to the conveyance of real property by deed from \_\_\_\_\_
- 420 (name of grantor(s)). By signing this Public Entity Affidavit, the public entity accepts the
- 421 ownership of the real property described in the attached legal description.
- 422 The public entity does not guarantee or provide an opinion as to the proper form or validity
- 423 of any conveyance document related to the real property described in the attached legal
- 424 description.
- 425 This Public Entity Affidavit is intended to evidence that the public entity consents to
- 426 \_\_\_\_\_ (name of grantor(s)) conveying the real property described in the attached legal
- 427 description to the public entity."
- 428 (5) As used in this section, "public entity" does not include the Department of
- 429 Transportation.
- 430 Section 5. Section **59-12-104** is amended to read:
- 431 **59-12-104 (Effective 05/06/26). Exemptions.**
- 432 Exemptions from the taxes imposed by this chapter are as follows:
- 433 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
- 434 under Chapter 13, Motor and Special Fuel Tax Act;
- 435 (2) subject to Section 59-12-104.6, sales to the state, ~~[its]~~ the state's institutions, and ~~[its]~~ the
- 436 state's political subdivisions[;] , however, this exemption does not apply to sales of:
- 437 (a) construction materials except:
- 438 (i) construction materials purchased by or on behalf of institutions of the public

- education system as defined in Utah Constitution, Article X, Section 2, provided the construction materials are clearly identified and segregated and installed or converted to real property which is owned by institutions of the public education system; [~~and~~]
- (ii) construction materials purchased by the state, its institutions, or its political subdivisions which are installed or converted to real property by employees of the state, its institutions, or its political subdivisions; [~~or~~] and
- (iii) construction materials purchased by or on behalf of the Department of Transportation as part of a fixed guideway capital development project for which the department has oversight and supervision as described in Section 72-1-203; or
- (b) tangible personal property in connection with the construction, operation, maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities providing additional project capacity, as defined in Section 11-13-103;
- (3)(a) sales of an item described in Subsection (3)(b) from a vending machine if:
- (i) the proceeds of each sale do not exceed \$1; and
- (ii) the seller or operator of the vending machine reports an amount equal to 150% of the cost of the item described in Subsection (3)(b) as goods consumed; and
- (b) Subsection (3)(a) applies to:
- (i) food and food ingredients; or
- (ii) prepared food;
- (4)(a) sales of the following to a commercial airline carrier for in-flight consumption:
- (i) alcoholic beverages;
- (ii) food and food ingredients; or
- (iii) prepared food;
- (b) sales of tangible personal property or a product transferred electronically:
- (i) to a passenger;
- (ii) by a commercial airline carrier; and
- (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
- (c) services related to Subsection (4)(a) or (b);
- (5) sales of parts and equipment for installation in an aircraft operated by a common carrier in interstate or foreign commerce;
- (6) sales of commercials, motion picture films, prerecorded audio program tapes or records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture exhibitor, distributor, or commercial television or radio broadcaster;

- 473 (7)(a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of  
474 cleaning or washing of tangible personal property if the cleaning or washing of the  
475 tangible personal property is not assisted cleaning or washing of tangible personal  
476 property;
- 477 (b) if a seller that sells at the same business location assisted cleaning or washing of  
478 tangible personal property and cleaning or washing of tangible personal property that  
479 is not assisted cleaning or washing of tangible personal property, the exemption  
480 described in Subsection (7)(a) applies if the seller separately accounts for the sales of  
481 the assisted cleaning or washing of the tangible personal property; and
- 482 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah  
483 Administrative Rulemaking Act, the commission may make rules:
- 484 (i) governing the circumstances under which sales are at the same business location;  
485 and
- 486 (ii) establishing the procedures and requirements for a seller to separately account for  
487 sales of assisted cleaning or washing of tangible personal property;
- 488 (8) sales made to or by religious or charitable institutions in the conduct of their regular  
489 religious or charitable functions and activities, if the requirements of Section 59-12-104.1  
490 are fulfilled;
- 491 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of this  
492 state if:
- 493 (a) the sale is not from the vehicle's lessor to the vehicle's lessee;
- 494 (b) the vehicle is not registered in this state; and
- 495 (c)(i) the vehicle is not used in this state; or
- 496 (ii) the vehicle is used in this state:
- 497 (A) if the vehicle is not used to conduct business, for a time period that does not  
498 exceed the longer of:
- 499 (I) 30 days in any calendar year; or
- 500 (II) the time period necessary to transport the vehicle to the borders of this  
501 state; or
- 502 (B) if the vehicle is used to conduct business, for the time period necessary to  
503 transport the vehicle to the borders of this state;
- 504 (10)(a) amounts paid for an item described in Subsection (10)(b) if:
- 505 (i) the item is intended for human use; and
- 506 (ii)(A) a prescription was issued for the item; or

- 507 (B) the item was purchased by a hospital or other medical facility; and
- 508 (b)(i) Subsection (10)(a) applies to:
- 509 (A) a drug;
- 510 (B) a syringe; or
- 511 (C) a stoma supply; and
- 512 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 513 the commission may by rule define the terms:
- 514 (A) "syringe"; or
- 515 (B) "stoma supply";
- 516 (11) purchases or leases exempt under Section 19-12-201;
- 517 (12)(a) sales of an item described in Subsection (12)(c) served by:
- 518 (i) the following if the item described in Subsection (12)(c) is not available to the
- 519 general public:
- 520 (A) a church; or
- 521 (B) a charitable institution; or
- 522 (ii) an institution of higher education if:
- 523 (A) the item described in Subsection (12)(c) is not available to the general public;
- 524 or
- 525 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal
- 526 plan offered by the institution of higher education;
- 527 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
- 528 (i) a medical facility; or
- 529 (ii) a nursing facility; and
- 530 (c) Subsections (12)(a) and (b) apply to:
- 531 (i) food and food ingredients;
- 532 (ii) prepared food; or
- 533 (iii) alcoholic beverages;
- 534 (13)(a) except as provided in Subsection (13)(b), the sale of tangible personal property
- 535 or a product transferred electronically by a person:
- 536 (i) regardless of the number of transactions involving the sale of that tangible
- 537 personal property or product transferred electronically by that person; and
- 538 (ii) not regularly engaged in the business of selling that type of tangible personal
- 539 property or product transferred electronically;
- 540 (b) this Subsection (13) does not apply if:



- 541 (i) the sale is one of a series of sales of a character to indicate that the person is  
542 regularly engaged in the business of selling that type of tangible personal property  
543 or product transferred electronically;
- 544 (ii) the person holds that person out as regularly engaged in the business of selling  
545 that type of tangible personal property or product transferred electronically;
- 546 (iii) the person sells an item of tangible personal property or product transferred  
547 electronically that the person purchased as a sale that is exempt under Subsection  
548 (25); or
- 549 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws  
550 of this state in which case the tax is based upon:
- 551 (A) the bill of sale, lease agreement, or other written evidence of value of the  
552 vehicle or vessel being sold; or
- 553 (B) in the absence of a bill of sale, lease agreement, or other written evidence of  
554 value, the fair market value of the vehicle or vessel being sold at the time of the  
555 sale as determined by the commission; and
- 556 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
557 commission shall make rules establishing the circumstances under which:
- 558 (i) a person is regularly engaged in the business of selling a type of tangible personal  
559 property or product transferred electronically;
- 560 (ii) a sale of tangible personal property or a product transferred electronically is one  
561 of a series of sales of a character to indicate that a person is regularly engaged in  
562 the business of selling that type of tangible personal property or product  
563 transferred electronically; or
- 564 (iii) a person holds that person out as regularly engaged in the business of selling a  
565 type of tangible personal property or product transferred electronically;
- 566 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal  
567 operating repair or replacement parts, or materials, except for office equipment or office  
568 supplies, by:
- 569 (a) a manufacturing facility that:
- 570 (i) is located in the state; and
- 571 (ii) uses or consumes the machinery, equipment, normal operating repair or  
572 replacement parts, or materials:
- 573 (A) in the manufacturing process to manufacture an item sold as tangible personal  
574 property, as the commission may define that phrase in accordance with Title

- 575 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 576 (B) for a scrap recycler, to process an item sold as tangible personal property, as
- 577 the commission may define that phrase in accordance with Title 63G, Chapter 3,
- 578 Utah Administrative Rulemaking Act;
- 579 (b) an establishment, as the commission defines that term in accordance with Title 63G,
- 580 Chapter 3, Utah Administrative Rulemaking Act, that:
- 581 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS
- 582 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for
- 583 Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except
- 584 Fuels) Mining, of the 2002 North American Industry Classification System of the
- 585 federal Executive Office of the President, Office of Management and Budget;
- 586 (ii) is located in the state; and
- 587 (iii) uses or consumes the machinery, equipment, normal operating repair or
- 588 replacement parts, or materials in:
- 589 (A) the production process to produce an item sold as tangible personal property,
- 590 as the commission may define that phrase in accordance with Title 63G,
- 591 Chapter 3, Utah Administrative Rulemaking Act;
- 592 (B) research and development, as the commission may define that phrase in
- 593 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 594 (C) transporting, storing, or managing tailings, overburden, or similar waste
- 595 materials produced from mining;
- 596 (D) developing or maintaining a road, tunnel, excavation, or similar feature used
- 597 in mining; or
- 598 (E) preventing, controlling, or reducing dust or other pollutants from mining; or
- 599 (c) an establishment, as the commission defines that term in accordance with Title 63G,
- 600 Chapter 3, Utah Administrative Rulemaking Act, that:
- 601 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North
- 602 American Industry Classification System of the federal Executive Office of the
- 603 President, Office of Management and Budget;
- 604 (ii) is located in the state; and
- 605 (iii) uses or consumes the machinery, equipment, normal operating repair or
- 606 replacement parts, or materials in the operation of the web search portal;
- 607 (15)(a) sales of the following if the requirements of Subsection (15)(b) are met:
- 608 (i) tooling;

- 609 (ii) special tooling;
- 610 (iii) support equipment;
- 611 (iv) special test equipment; or
- 612 (v) parts used in the repairs or renovations of tooling or equipment described in
- 613 Subsections (15)(a)(i) through (iv); and
- 614 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
- 615 (i) the tooling, equipment, or parts are used or consumed exclusively in the
- 616 performance of any aerospace or electronics industry contract with the United
- 617 States government or any subcontract under that contract; and
- 618 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
- 619 title to the tooling, equipment, or parts is vested in the United States government
- 620 as evidenced by:
- 621 (A) a government identification tag placed on the tooling, equipment, or parts; or
- 622 (B) listing on a government-approved property record if placing a government
- 623 identification tag on the tooling, equipment, or parts is impractical;
- 624 (16) sales of newspapers or newspaper subscriptions;
- 625 (17)(a) except as provided in Subsection (17)(b), tangible personal property or a product
- 626 transferred electronically traded in as full or part payment of the purchase price,
- 627 except that for purposes of calculating sales or use tax upon vehicles not sold by a
- 628 vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:
- 629 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
- 630 vehicle being traded in; or
- 631 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
- 632 fair market value of the vehicle being sold and the vehicle being traded in, as
- 633 determined by the commission; and
- 634 (b) Subsection (17)(a) does not apply to the following items of tangible personal
- 635 property or products transferred electronically traded in as full or part payment of the
- 636 purchase price:
- 637 (i) money;
- 638 (ii) electricity;
- 639 (iii) water;
- 640 (iv) gas; or
- 641 (v) steam;
- 642 (18)(a)(i) except as provided in Subsection (18)(b), sales of tangible personal

property or a product transferred electronically used or consumed primarily and directly in farming operations, regardless of whether the tangible personal property or product transferred electronically:

(A) becomes part of real estate; or

(B) is installed by a farmer, contractor, or subcontractor; or

(ii) sales of parts used in the repairs or renovations of tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is exempt under Subsection (18)(a)(i); and

(b) amounts paid or charged for the following are subject to the taxes imposed by this chapter:

(i)(A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or supplies if used in a manner that is incidental to farming; and

(B) tangible personal property that is considered to be used in a manner that is incidental to farming includes:

(I) hand tools; or

(II) maintenance and janitorial equipment and supplies;

(ii)(A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product transferred electronically if the tangible personal property or product transferred electronically is used in an activity other than farming; and

(B) tangible personal property or a product transferred electronically that is considered to be used in an activity other than farming includes:

(I) office equipment and supplies; or

(II) equipment and supplies used in:

(Aa) the sale or distribution of farm products;

(Bb) research; or

(Cc) transportation; or

(iii) a vehicle required to be registered by the laws of this state during the period ending two years after the date of the vehicle's purchase;

(19) sales of hay;

(20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or garden, farm, or other agricultural produce is sold by:

(a) the producer of the seasonal crops, seedling plants, or garden, farm, or other agricultural produce;

677 (b) an employee of the producer described in Subsection (20)(a); or

678 (c) a member of the immediate family of the producer described in Subsection (20)(a);

679 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under  
680 the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;

681 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,  
682 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,  
683 wholesaler, or retailer for use in packaging tangible personal property to be sold by that  
684 manufacturer, processor, wholesaler, or retailer;

685 (23) a product stored in the state for resale;

686 (24)(a) purchases of a product if:

687 (i) the product is:

688 (A) purchased outside of this state;

689 (B) brought into this state:

690 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and

691 (II) by a nonresident person who is not living or working in this state at the  
692 time of the purchase;

693 (C) used for the personal use or enjoyment of the nonresident person described in  
694 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state;  
695 and

696 (D) not used in conducting business in this state; and

697 (ii) for:

698 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use  
699 of the product for a purpose for which the product is designed occurs outside of  
700 this state;

701 (B) a boat, the boat is registered outside of this state; or

702 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is  
703 registered outside of this state;

704 (b) the exemption provided for in Subsection (24)(a) does not apply to:

705 (i) a lease or rental of a product; or

706 (ii) a sale of a vehicle exempt under Subsection (33); and

707 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
708 purposes of Subsection (24)(a), the commission may by rule define what constitutes  
709 the following:

710 (i) conducting business in this state if that phrase has the same meaning in this

- 711 Subsection (24) as in Subsection (63);
- 712 (ii) the first use of a product if that phrase has the same meaning in this Subsection
- 713 (24) as in Subsection (63); or
- 714 (iii) a purpose for which a product is designed if that phrase has the same meaning in
- 715 this Subsection (24) as in Subsection (63);
- 716 (25) a product purchased for resale in the regular course of business, either in the product's
- 717 original form or as an ingredient or component part of a manufactured or compounded
- 718 product;
- 719 (26) a product upon which a sales or use tax was paid to some other state, or one of another
- 720 state's subdivisions, except that the state shall be paid any difference between the tax
- 721 paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no
- 722 adjustment is allowed if the tax paid was greater than the tax imposed by this part and
- 723 Part 2, Local Sales and Use Tax Act;
- 724 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person
- 725 for use in compounding a service taxable under the subsections;
- 726 (28) purchases made in accordance with the special supplemental nutrition program for
- 727 women, infants, and children established in 42 U.S.C. Sec. 1786;
- 728 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement
- 729 parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of
- 730 the 1987 Standard Industrial Classification Manual of the federal Executive Office of the
- 731 President, Office of Management and Budget;
- 732 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
- 733 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard
- 734 motor is:
- 735 (a) not registered in this state; and
- 736 (b)(i) not used in this state; or
- 737 (ii) used in this state:
- 738 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for
- 739 a time period that does not exceed the longer of:
- 740 (I) 30 days in any calendar year; or
- 741 (II) the time period necessary to transport the boat, boat trailer, or outboard
- 742 motor to the borders of this state; or
- 743 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the
- 744 time period necessary to transport the boat, boat trailer, or outboard motor to

- 745 the borders of this state;
- 746 (31) sales of aircraft manufactured in Utah;
- 747 (32) amounts paid for the purchase of telecommunications service for purposes of
- 748 providing telecommunications service;
- 749 (33) sales, leases, or uses of the following:
- 750 (a) a vehicle by an authorized carrier; or
- 751 (b) tangible personal property that is installed on a vehicle:
- 752 (i) sold or leased to or used by an authorized carrier; and
- 753 (ii) before the vehicle is placed in service for the first time;
- 754 (34)(a) 45% of the sales price of any new manufactured home; and
- 755 (b) 100% of the sales price of any used manufactured home;
- 756 (35) sales relating to schools and fundraising sales;
- 757 (36) sales or rentals of durable medical equipment if:
- 758 (a) a person presents a prescription for the durable medical equipment; and
- 759 (b) the durable medical equipment is used for home use only;
- 760 (37)(a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
- 761 Section 72-11-102; and
- 762 (b) the commission shall by rule determine the method for calculating sales exempt
- 763 under Subsection (37)(a) that are not separately metered and accounted for in utility
- 764 billings;
- 765 (38) sales to a ski resort of:
- 766 (a) snowmaking equipment;
- 767 (b) ski slope grooming equipment;
- 768 (c) passenger ropeways as defined in Section 72-11-102; or
- 769 (d) parts used in the repairs or renovations of equipment or passenger ropeways
- 770 described in Subsections (38)(a) through (c);
- 771 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel
- 772 oil, or other fuels for industrial use;
- 773 (40)(a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
- 774 amusement, entertainment, or recreation an unassisted amusement device as defined
- 775 in Section 59-12-102;
- 776 (b) if a seller that sells or rents at the same business location the right to use or operate
- 777 for amusement, entertainment, or recreation one or more unassisted amusement
- 778 devices and one or more assisted amusement devices, the exemption described in

- 779 Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of  
780 the right to use or operate for amusement, entertainment, or recreation for the assisted  
781 amusement devices; and
- 782 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah  
783 Administrative Rulemaking Act, the commission may make rules:
- 784 (i) governing the circumstances under which sales are at the same business location;  
785 and
- 786 (ii) establishing the procedures and requirements for a seller to separately account for  
787 the sales or rentals of the right to use or operate for amusement, entertainment, or  
788 recreation for assisted amusement devices;
- 789 (41)(a) sales of photocopies by:
- 790 (i) a governmental entity; or
- 791 (ii) an entity within the state system of public education, including:
- 792 (A) a school; or
- 793 (B) the State Board of Education; or
- 794 (b) sales of publications by a governmental entity;
- 795 (42) amounts paid for admission to an athletic event at an institution of higher education  
796 that is subject to the provisions of Title IX of the Education Amendments of 1972, 20  
797 U.S.C. Sec. 1681 et seq.;
- 798 (43)(a) sales made to or by:
- 799 (i) an area agency on aging; or
- 800 (ii) a senior citizen center owned by a county, city, or town; or
- 801 (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 802 (44) sales or leases of semiconductor fabricating, processing, research, or development  
803 materials regardless of whether the semiconductor fabricating, processing, research, or  
804 development materials:
- 805 (a) actually come into contact with a semiconductor; or
- 806 (b) ultimately become incorporated into real property;
- 807 (45) an amount paid by or charged to a purchaser for accommodations and services  
808 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under  
809 Section 59-12-104.2;
- 810 (46) the lease or use of a vehicle issued a temporary sports event registration certificate in  
811 accordance with Section 41-3-306 for the event period specified on the temporary sports  
812 event registration certificate;



- 813 (47)(a) sales or uses of electricity, if the sales or uses are made under a retail tariff  
814 adopted by the Public Service Commission only for purchase of electricity produced  
815 from a new alternative energy source built after January 1, 2016, as designated in the  
816 tariff by the Public Service Commission; and
- 817 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies  
818 only to the portion of the tariff rate a customer pays under the tariff described in  
819 Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection  
820 (47)(a) that the customer would have paid absent the tariff;
- 821 (48) sales or rentals of mobility enhancing equipment if a person presents a prescription for  
822 the mobility enhancing equipment;
- 823 (49) sales of water in a:
- 824 (a) pipe;  
825 (b) conduit;  
826 (c) ditch; or  
827 (d) reservoir;
- 828 (50) sales of currency or coins that constitute legal tender of a state, the United States, or a  
829 foreign nation;
- 830 (51)(a) sales of an item described in Subsection (51)(b) if the item:
- 831 (i) does not constitute legal tender of a state, the United States, or a foreign nation;  
832 and
- 833 (ii) has a gold, silver, or platinum content of 50% or more; and
- 834 (b) Subsection (51)(a) applies to a gold, silver, or platinum:
- 835 (i) ingot;  
836 (ii) bar;  
837 (iii) medallion; or  
838 (iv) decorative coin;
- 839 (52) amounts paid on a sale-leaseback transaction;
- 840 (53) sales of a prosthetic device:
- 841 (a) for use on or in a human; and  
842 (b)(i) for which a prescription is required; or  
843 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
- 844 (54)(a) except as provided in Subsection (54)(b), purchases, leases, or rentals of  
845 machinery or equipment by an establishment described in Subsection (54)(c) if the  
846 machinery or equipment is primarily used in the production or postproduction of the

847 following media for commercial distribution:

- 848 (i) a motion picture;
- 849 (ii) a television program;
- 850 (iii) a movie made for television;
- 851 (iv) a music video;
- 852 (v) a commercial;
- 853 (vi) a documentary; or
- 854 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
- 855 commission by administrative rule made in accordance with Subsection (54)(d);

856 (b) purchases, leases, or rentals of machinery or equipment by an establishment

857 described in Subsection (54)(c) that is used for the production or postproduction of

858 the following are subject to the taxes imposed by this chapter:

- 859 (i) a live musical performance;
- 860 (ii) a live news program; or
- 861 (iii) a live sporting event;

862 (c) the following establishments listed in the 1997 North American Industry

863 Classification System of the federal Executive Office of the President, Office of

864 Management and Budget, apply to Subsections (54)(a) and (b):

- 865 (i) NAICS Code 512110; or
- 866 (ii) NAICS Code 51219; and

867 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

868 commission may by rule:

- 869 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);
- 870 or
- 871 (ii) define:
  - 872 (A) "commercial distribution";
  - 873 (B) "live musical performance";
  - 874 (C) "live news program"; or
  - 875 (D) "live sporting event";

876 (55)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on

877 or before June 30, 2027, of tangible personal property that:

- 878 (i) is leased or purchased for or by a facility that:
  - 879 (A) is an alternative energy electricity production facility;
  - 880 (B) is located in the state; and

- 881 (C)(I) becomes operational on or after July 1, 2004; or
- 882 (II) has its generation capacity increased by one or more megawatts on or after
- 883 July 1, 2004, as a result of the use of the tangible personal property;
- 884 (ii) has an economic life of five or more years; and
- 885 (iii) is used to make the facility or the increase in capacity of the facility described in
- 886 Subsection (55)(a)(i) operational up to the point of interconnection with an
- 887 existing transmission grid including:
- 888 (A) a wind turbine;
- 889 (B) generating equipment;
- 890 (C) a control and monitoring system;
- 891 (D) a power line;
- 892 (E) substation equipment;
- 893 (F) lighting;
- 894 (G) fencing;
- 895 (H) pipes; or
- 896 (I) other equipment used for locating a power line or pole; and
- 897 (b) this Subsection (55) does not apply to:
- 898 (i) tangible personal property used in construction of:
- 899 (A) a new alternative energy electricity production facility; or
- 900 (B) the increase in the capacity of an alternative energy electricity production
- 901 facility;
- 902 (ii) contracted services required for construction and routine maintenance activities;
- 903 and
- 904 (iii) unless the tangible personal property is used or acquired for an increase in
- 905 capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal
- 906 property used or acquired after:
- 907 (A) the alternative energy electricity production facility described in Subsection
- 908 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
- 909 (B) the increased capacity described in Subsection (55)(a)(i) is operational as
- 910 described in Subsection (55)(a)(iii);
- 911 (56)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on
- 912 or before June 30, 2027, of tangible personal property that:
- 913 (i) is leased or purchased for or by a facility that:
- 914 (A) is a waste energy production facility;

- 915 (B) is located in the state; and  
916 (C)(I) becomes operational on or after July 1, 2004; or  
917 (II) has its generation capacity increased by one or more megawatts on or after  
918 July 1, 2004, as a result of the use of the tangible personal property;  
919 (ii) has an economic life of five or more years; and  
920 (iii) is used to make the facility or the increase in capacity of the facility described in  
921 Subsection (56)(a)(i) operational up to the point of interconnection with an  
922 existing transmission grid including:  
923 (A) generating equipment;  
924 (B) a control and monitoring system;  
925 (C) a power line;  
926 (D) substation equipment;  
927 (E) lighting;  
928 (F) fencing;  
929 (G) pipes; or  
930 (H) other equipment used for locating a power line or pole; and  
931 (b) this Subsection (56) does not apply to:  
932 (i) tangible personal property used in construction of:  
933 (A) a new waste energy facility; or  
934 (B) the increase in the capacity of a waste energy facility;  
935 (ii) contracted services required for construction and routine maintenance activities;  
936 and  
937 (iii) unless the tangible personal property is used or acquired for an increase in  
938 capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used  
939 or acquired after:  
940 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as  
941 described in Subsection (56)(a)(iii); or  
942 (B) the increased capacity described in Subsection (56)(a)(i) is operational as  
943 described in Subsection (56)(a)(iii);  
944 (57)(a) leases of five or more years or purchases made on or after July 1, 2004, but on or  
945 before June 30, 2027, of tangible personal property that:  
946 (i) is leased or purchased for or by a facility that:  
947 (A) is located in the state;  
948 (B) produces fuel from alternative energy, including:

- 949 (I) methanol; or  
950 (II) ethanol; and  
951 (C)(I) becomes operational on or after July 1, 2004; or  
952 (II) has its capacity to produce fuel increase by 25% or more on or after July 1,  
953 2004, as a result of the installation of the tangible personal property;  
954 (ii) has an economic life of five or more years; and  
955 (iii) is installed on the facility described in Subsection (57)(a)(i);  
956 (b) this Subsection (57) does not apply to:  
957 (i) tangible personal property used in construction of:  
958 (A) a new facility described in Subsection (57)(a)(i); or  
959 (B) the increase in capacity of the facility described in Subsection (57)(a)(i);  
960 (ii) contracted services required for construction and routine maintenance activities;  
961 and  
962 (iii) unless the tangible personal property is used or acquired for an increase in  
963 capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used  
964 or acquired after:  
965 (A) the facility described in Subsection (57)(a)(i) is operational; or  
966 (B) the increased capacity described in Subsection (57)(a)(i) is operational;  
967 (58)(a) subject to Subsection (58)(b), sales of tangible personal property or a product  
968 transferred electronically to a person within this state if that tangible personal  
969 property or product transferred electronically is subsequently shipped outside the  
970 state and incorporated [~~pursuant to~~] in accordance with contract into and becomes a  
971 part of real property located outside of this state; and  
972 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other  
973 state or political entity to which the tangible personal property is shipped imposes a  
974 sales, use, gross receipts, or other similar transaction excise tax on the transaction  
975 against which the other state or political entity allows a credit for sales and use taxes  
976 imposed by this chapter;  
977 (59) purchases:  
978 (a) of one or more of the following items in printed or electronic format:  
979 (i) a list containing information that includes one or more:  
980 (A) names; or  
981 (B) addresses; or  
982 (ii) a database containing information that includes one or more:

- 983 (A) names; or  
984 (B) addresses; and  
985 (b) used to send direct mail;
- 986 (60) redemptions or repurchases of a product by a person if that product was:  
987 (a) delivered to a pawnbroker as part of a pawn transaction; and  
988 (b) redeemed or repurchased within the time period established in a written agreement  
989 between the person and the pawnbroker for redeeming or repurchasing the product;
- 990 (61)(a) purchases or leases of an item described in Subsection (61)(b) if the item:  
991 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;  
992 and  
993 (ii) has a useful economic life of one or more years; and  
994 (b) the following apply to Subsection (61)(a):  
995 (i) telecommunications enabling or facilitating equipment, machinery, or software;  
996 (ii) telecommunications equipment, machinery, or software required for 911 service;  
997 (iii) telecommunications maintenance or repair equipment, machinery, or software;  
998 (iv) telecommunications switching or routing equipment, machinery, or software; or  
999 (v) telecommunications transmission equipment, machinery, or software;
- 1000 (62)(a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible  
1001 personal property or a product transferred electronically that are used in the research  
1002 and development of alternative energy technology; and  
1003 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1004 commission may, for purposes of Subsection (62)(a), make rules defining what  
1005 constitutes purchases of tangible personal property or a product transferred  
1006 electronically that are used in the research and development of alternative energy  
1007 technology;
- 1008 (63)(a) purchases of tangible personal property or a product transferred electronically if:  
1009 (i) the tangible personal property or product transferred electronically is:  
1010 (A) purchased outside of this state;  
1011 (B) brought into this state at any time after the purchase described in Subsection  
1012 (63)(a)(i)(A); and  
1013 (C) used in conducting business in this state; and  
1014 (ii) for:  
1015 (A) tangible personal property or a product transferred electronically other than  
1016 the tangible personal property described in Subsection (63)(a)(ii)(B), the first

- 1017 use of the property for a purpose for which the property is designed occurs  
1018 outside of this state; or
- 1019 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is  
1020 registered outside of this state and not required to be registered in this state  
1021 under Section 41-1a-202 or 73-18-9 based on residency;
- 1022 (b) the exemption provided for in Subsection (63)(a) does not apply to:
- 1023 (i) a lease or rental of tangible personal property or a product transferred  
1024 electronically; or
- 1025 (ii) a sale of a vehicle exempt under Subsection (33); and
- 1026 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
1027 purposes of Subsection (63)(a), the commission may by rule define what constitutes  
1028 the following:
- 1029 (i) conducting business in this state if that phrase has the same meaning in this  
1030 Subsection (63) as in Subsection (24);
- 1031 (ii) the first use of tangible personal property or a product transferred electronically if  
1032 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or
- 1033 (iii) a purpose for which tangible personal property or a product transferred  
1034 electronically is designed if that phrase has the same meaning in this Subsection  
1035 (63) as in Subsection (24);
- 1036 (64) sales of disposable home medical equipment or supplies if:
- 1037 (a) a person presents a prescription for the disposable home medical equipment or  
1038 supplies;
- 1039 (b) the disposable home medical equipment or supplies are used exclusively by the  
1040 person to whom the prescription described in Subsection (64)(a) is issued; and
- 1041 (c) the disposable home medical equipment and supplies are listed as eligible for  
1042 payment under:
- 1043 (i) Title XVIII, federal Social Security Act; or
- 1044 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;
- 1045 (65) sales:
- 1046 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District  
1047 Act; or
- 1048 (b) of tangible personal property to a subcontractor of a public transit district, if the  
1049 tangible personal property is:
- 1050 (i) clearly identified; and

- 1051 (ii) installed or converted to real property owned by the public transit district;
- 1052 (66) sales of construction materials:
- 1053 (a) purchased on or after July 1, 2010;
- 1054 (b) purchased by, on behalf of, or for the benefit of an international airport:
- 1055 (i) located within a county of the first class; and
- 1056 (ii) that has a United States customs office on its premises; and
- 1057 (c) if the construction materials are:
- 1058 (i) clearly identified;
- 1059 (ii) segregated; and
- 1060 (iii) installed or converted to real property:
- 1061 (A) owned or operated by the international airport described in Subsection (66)(b);
- 1062 and
- 1063 (B) located at the international airport described in Subsection (66)(b);
- 1064 (67) sales of construction materials:
- 1065 (a) purchased on or after July 1, 2008;
- 1066 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 1067 (i) located within a county of the second or third class, as classified in Section
- 1068 17-60-104; and
- 1069 (ii) that is owned or operated by a city in which an airline as defined in Section
- 1070 59-2-102 is headquartered; and
- 1071 (c) if the construction materials are:
- 1072 (i) clearly identified;
- 1073 (ii) segregated; and
- 1074 (iii) installed or converted to real property:
- 1075 (A) owned or operated by the new airport described in Subsection (67)(b);
- 1076 (B) located at the new airport described in Subsection (67)(b); and
- 1077 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 1078 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a common
- 1079 carrier that is a railroad for use in a locomotive engine;
- 1080 (69) purchases and sales described in Section 63H-4-111;
- 1081 (70)(a) sales of tangible personal property to an aircraft maintenance, repair, and
- 1082 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in
- 1083 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered
- 1084 aircraft's registration lists a state or country other than this state as the location of



registry of the fixed wing turbine powered aircraft; or

(b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration lists a state or country other than this state as the location of registry of the fixed wing turbine powered aircraft;

(71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

(a) to a person admitted to an institution of higher education; and

(b) by a seller, other than a bookstore owned by an institution of higher education, if 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a textbook for a higher education course;

(72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced level of municipal services;

(73) amounts paid or charged for construction materials used in the construction of a new or expanding life science research and development facility in the state, if the construction materials are:

(a) clearly identified;

(b) segregated; and

(c) installed or converted to real property;

(74) amounts paid or charged for:

(a) a purchase or lease of machinery and equipment that:

(i) are used in performing qualified research:

(A) as defined in Section 41(d), Internal Revenue Code; and

(B) in the state; and

(ii) have an economic life of three or more years; and

(b) normal operating repair or replacement parts:

(i) for the machinery and equipment described in Subsection (74)(a); and

(ii) that have an economic life of three or more years;

(75) a sale or lease of tangible personal property used in the preparation of prepared food if:

(a) for a sale:

(i) the ownership of the seller and the ownership of the purchaser are identical; and

(ii) the seller or the purchaser paid a tax under this chapter on the purchase of that tangible personal property [~~prior to~~] before making the sale; or

- 1119 (b) for a lease:
- 1120 (i) the ownership of the lessor and the ownership of the lessee are identical; and
- 1121 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that
- 1122 tangible personal property [~~prior to~~] before making the lease;
- 1123 (76)(a) purchases of machinery or equipment if:
- 1124 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
- 1125 Gambling, and Recreation Industries, of the 2012 North American Industry
- 1126 Classification System of the federal Executive Office of the President, Office of
- 1127 Management and Budget;
- 1128 (ii) the machinery or equipment:
- 1129 (A) has an economic life of three or more years; and
- 1130 (B) is used by one or more persons who pay admission or user fees described in
- 1131 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment;
- 1132 and
- 1133 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
- 1134 (A) amounts paid or charged as admission or user fees described in Subsection
- 1135 59-12-103(1)(f); and
- 1136 (B) subject to taxation under this chapter; and
- 1137 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1138 commission may make rules for verifying that 51% of a purchaser's sales revenue for
- 1139 the previous calendar quarter is:
- 1140 (i) amounts paid or charged as admission or user fees described in Subsection
- 1141 59-12-103(1)(f); and
- 1142 (ii) subject to taxation under this chapter;
- 1143 (77) purchases of a short-term lodging consumable by a business that provides
- 1144 accommodations and services described in Subsection 59-12-103(1)(i);
- 1145 (78) amounts paid or charged to access a database:
- 1146 (a) if the primary purpose for accessing the database is to view or retrieve information
- 1147 from the database; and
- 1148 (b) not including amounts paid or charged for a:
- 1149 (i) digital audio work;
- 1150 (ii) digital audio-visual work; or
- 1151 (iii) digital book;
- 1152 (79) amounts paid or charged for a purchase or lease made by an electronic financial

1153 payment service, of:

1154 (a) machinery and equipment that:

1155 (i) are used in the operation of the electronic financial payment service; and

1156 (ii) have an economic life of three or more years; and

1157 (b) normal operating repair or replacement parts that:

1158 (i) are used in the operation of the electronic financial payment service; and

1159 (ii) have an economic life of three or more years;

1160 (80) sales of a fuel cell as defined in Section 54-15-102;

1161 (81) amounts paid or charged for a purchase or lease of tangible personal property or a  
1162 product transferred electronically if the tangible personal property or product transferred  
1163 electronically:

1164 (a) is stored, used, or consumed in the state; and

1165 (b) is temporarily brought into the state from another state:

1166 (i) during a disaster period as defined in Section 53-2a-1202;

1167 (ii) by an out-of-state business as defined in Section 53-2a-1202;

1168 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and

1169 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;

1170 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined in  
1171 Section 39A-7-102, made [~~pursuant to~~] in accordance with Title 39A, Chapter 7, Morale,  
1172 Welfare, and Recreation Program;

1173 (83) amounts paid or charged for a purchase or lease of molten magnesium;

1174 (84) amounts paid or charged for a purchase or lease made by a qualifying data center or an  
1175 occupant of a qualifying data center of machinery, equipment, or normal operating  
1176 repair or replacement parts, if the machinery, equipment, or normal operating repair or  
1177 replacement parts:

1178 (a) are used in:

1179 (i) the operation of the qualifying data center; or

1180 (ii) the occupant's operations in the qualifying data center; and

1181 (b) have an economic life of one or more years;

1182 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle  
1183 that includes cleaning or washing of the interior of the vehicle;

1184 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal  
1185 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or  
1186 supplies used or consumed:

- 1187 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined  
1188 in Section 79-6-701 located in the state;
- 1189 (b) if the machinery, equipment, normal operating repair or replacement parts, catalysts,  
1190 chemicals, reagents, solutions, or supplies are used or consumed in:
- 1191 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is  
1192 added to gasoline or diesel fuel;
- 1193 (ii) research and development;
- 1194 (iii) transporting, storing, or managing raw materials, work in process, finished  
1195 products, and waste materials produced from refining gasoline or diesel fuel, or  
1196 adding blendstock to gasoline or diesel fuel;
- 1197 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in  
1198 refining; or
- 1199 (v) preventing, controlling, or reducing pollutants from refining; and
- 1200 (c) if the person holds a valid refiner tax exemption certification as defined in Section  
1201 79-6-701;
- 1202 (87) amounts paid to or charged by a proprietor for accommodations and services, as  
1203 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations  
1204 tax imposed under Section 63H-1-205;
- 1205 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal  
1206 operating repair or replacement parts, or materials, except for office equipment or office  
1207 supplies, by an establishment, as the commission defines that term in accordance with  
1208 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 1209 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North  
1210 American Industry Classification System of the federal Executive Office of the  
1211 President, Office of Management and Budget;
- 1212 (b) is located in this state; and
- 1213 (c) uses the machinery, equipment, normal operating repair or replacement parts, or  
1214 materials in the operation of the establishment;
- 1215 (89) amounts paid or charged for an item exempt under Section 59-12-104.10;
- 1216 (90) sales of a note, leaf, foil, or film, if the item:
- 1217 (a) is used as currency;
- 1218 (b) does not constitute legal tender of a state, the United States, or a foreign nation; and
- 1219 (c) has a gold, silver, or platinum metallic content of 50% or more, exclusive of any  
1220 transparent polymer holder, coating, or encasement;

- 1221 (91) amounts paid or charged for admission to an indoor skydiving, rock climbing, or  
1222 surfing facility, if a trained instructor:
- 1223 (a) is present with the participant, in person or by video, for the duration of the activity;  
1224 and
- 1225 (b) actively instructs the participant, including providing observation or feedback;
- 1226 (92) amounts paid or charged in connection with the construction, operation, maintenance,  
1227 repair, or replacement of facilities owned by or constructed for:
- 1228 (a) a distribution electrical cooperative, as defined in Section 54-2-1; or  
1229 (b) a wholesale electrical cooperative, as defined in Section 54-2-1;
- 1230 (93) amounts paid by the service provider for tangible personal property, other than  
1231 machinery, equipment, parts, office supplies, electricity, gas, heat, steam, or other fuels,  
1232 that:
- 1233 (a) is consumed in the performance of a service that is subject to tax under Subsection  
1234 59-12-103(1)(b), (f), (g), (h), (i), or (j);
- 1235 (b) has to be consumed for the service provider to provide the service described in  
1236 Subsection (93)(a); and
- 1237 (c) will be consumed in the performance of the service described in Subsection (93)(a),  
1238 to one or more customers, to the point that the tangible personal property disappears  
1239 or cannot be used for any other purpose;
- 1240 (94) sales of rail rolling stock manufactured in Utah;
- 1241 (95) amounts paid or charged for sales of sand, gravel, rock aggregate, cement products, or  
1242 construction materials between establishments, as the commission defines that term in  
1243 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:
- 1244 (a) the establishments are related directly or indirectly through 100% common  
1245 ownership or control; and
- 1246 (b) each establishment is described in one of the following subsectors of the 2022 North  
1247 American Industry Classification System of the federal Executive Office of the  
1248 President, Office of Management and Budget:
- 1249 (i) NAICS Subsector 237, Heavy and Civil Engineering Construction; or  
1250 (ii) NAICS Subsector 327, Nonmetallic Mineral Product Manufacturing;
- 1251 (96) sales of construction materials used for the construction of a qualified stadium, as  
1252 defined in Section 11-70-101;
- 1253 (97) amounts paid or charged for sales of a cannabinoid product as that term is defined in  
1254 Section 4-41-102;

- 1255 (98) amounts paid or charged by an operator of a qualifying energy storage manufacturing  
1256 facility for:
- 1257 (a) a purchase of tangible personal property if the tangible personal property is  
1258 incorporated into equipment or a device that stores and discharges energy at the  
1259 qualifying energy storage manufacturing facility; and
- 1260 (b) a purchase or lease of machinery, equipment, or normal operating repair or  
1261 replacement parts if the machinery, equipment, or normal operating repair or  
1262 replacement parts are used exclusively in the operation of the qualifying energy  
1263 storage manufacturing facility;
- 1264 (99) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving  
1265 equipment is not yet installed in a motor vehicle;
- 1266 (100) amounts paid or charged for sales of adaptive driving equipment if the adaptive  
1267 driving equipment is installed in a motor vehicle by a previous owner and the  
1268 requirements of Section 59-12-104.11 are met; and
- 1269 (101) sales of construction materials used for the construction, remodeling, or refurbishing  
1270 of a major sporting event venue, as defined in Section 63N-3-1701, within an approved  
1271 major sporting event venue zone.
- 1272 Section 6. Section **59-12-2220** is amended to read:
- 1273 **59-12-2220 (Effective 05/06/26). County option sales and use tax to fund**  
1274 **highways or a system for public transit -- Base -- Rate.**
- 1275 (1) Subject to the other provisions of this part and subject to the requirements of this  
1276 section, the following counties may impose a sales and use tax under this section:
- 1277 (a) a county legislative body may impose the sales and use tax on the transactions  
1278 described in Subsection 59-12-103(1) located within the county, including the cities  
1279 and towns within the county if:
- 1280 (i) the entire boundary of a county is annexed into a large public transit district; and  
1281 (ii) the maximum amount of sales and use tax authorizations allowed in accordance  
1282 with Section 59-12-2203 and authorized under the following sections has been  
1283 imposed:
- 1284 (A) Section 59-12-2213;  
1285 (B) Section 59-12-2214;  
1286 (C) Section 59-12-2215;  
1287 (D) Section 59-12-2216;  
1288 (E) Section 59-12-2217;

1289 (F) Section 59-12-2218; and

1290 (G) Section 59-12-2219;

1291 (b) if the county is not annexed into a large public transit district, the county legislative  
1292 body may impose the sales and use tax on the transactions described in Subsection  
1293 59-12-103(1) located within the county, including the cities and towns within the  
1294 county if:

1295 (i) the county is an eligible political subdivision; or

1296 (ii) a city or town within the boundary of the county is an eligible political  
1297 subdivision; or

1298 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may  
1299 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)  
1300 located within the county, including the cities and towns within the county.

1301 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
1302 county legislative body that imposes a sales and use tax under this section may impose  
1303 the tax at a rate of .2%.

1304 (3)(a) The commission shall distribute sales and use tax revenue collected under this  
1305 section as determined by a county legislative body as described in Subsection (3)(b).

1306 (b) If a county legislative body imposes a sales and use tax as described in this section,  
1307 the county legislative body may elect to impose a sales and use tax revenue  
1308 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of  
1309 county, and presence and type of a public transit provider in the county.

1310 (4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a  
1311 county legislative body imposes a sales and use tax as described in this section, and the  
1312 entire boundary of the county is annexed into a large public transit district, and the  
1313 county is a county of the first class, the commission shall distribute the sales and use tax  
1314 revenue as follows:

1315 (a) .10% to a public transit district as described in Subsection (11);

1316 (b) .05% to the cities and towns as provided in Subsection (8); and

1317 (c) .05% to the county legislative body.

1318 (5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as  
1319 described in this section and the entire boundary of the county is annexed into a large  
1320 public transit district, and the county is a county not described in Subsection (4), the  
1321 commission shall distribute the sales and use tax revenue as follows:

1322 (a) .10% to a public transit district as described in Subsection (11);

(b) .05% to the cities and towns as provided in Subsection (8); and

(c) .05% to the county legislative body.

(6)(a) Except as provided in Subsection (14)(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 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).

(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:

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

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

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

(c) Except as provided in Subsection (14)(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:

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

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

(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:

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

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

(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:

(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



- 1357 counties that impose a tax under this section; and
- 1358 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
- 1359 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
- 1360 through (7) shall be distributed to the unincorporated areas, cities, and towns
- 1361 within those counties on the basis of the location of the transaction as determined
- 1362 under Sections 59-12-211 through 59-12-215.
- 1363 (b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent
- 1364 not otherwise required by federal law:
- 1365 (A) the most recent estimate from the Utah Population Committee created in
- 1366 Section 63C-20-103; or
- 1367 (B) if the Utah Population Committee estimate is not available for each
- 1368 municipality and unincorporated area, the adjusted sub-county population
- 1369 estimate provided by the Utah Population Committee in accordance with
- 1370 Section 63C-20-104.
- 1371 (ii) If a needed population estimate is not available from the United States Census
- 1372 Bureau, population figures shall be derived from an estimate from the Utah
- 1373 Population Estimates Committee created by executive order of the governor.
- 1374 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development
- 1375 Division within the Department of Workforce Services determines that a city or
- 1376 town is ineligible for funds in accordance with Subsection 10-21-202(6),
- 1377 beginning the first day of the calendar quarter after receiving 90 days' notice, the
- 1378 commission shall distribute the distribution that city or town would have received
- 1379 under Subsection (8)(a) to cities or towns to which Subsection 10-21-202(6) does
- 1380 not apply.
- 1381 (ii) Beginning on January 1, 2024, if the Housing and Community Development
- 1382 Division within the Department of Workforce Services determines that a county is
- 1383 ineligible for funds in accordance with Subsection 17-80-202(6), beginning the
- 1384 first day of the calendar quarter after receiving 90 days' notice, the commission
- 1385 shall distribute the distribution that county would have received under Subsection
- 1386 (8)(a) to counties to which Subsection 17-80-202(6) does not apply.
- 1387 (9) If a public transit service is organized after the date a county legislative body first
- 1388 imposes a tax under this section, a change in a distribution required by this section may
- 1389 not take effect until the first distribution the commission makes under this section after a
- 1390 90-day period that begins on the date the commission receives written notice from the

public transit provider that the public transit service has been organized.

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

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

(c) In addition to the purposes described in Subsections (10)(a) and (b), for a city relevant to a project area, as that term is defined in Section 63N-3-1401, an allowable use of revenue from a sales and use tax under this section includes the revitalization of a convention center owned by the county within a city of the first class and surrounding revitalization projects related to the convention center.

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

(i) a public transit district;

(ii) an eligible political subdivision; or

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

(b)(i)(A) If a county of the first class imposes a sales and use tax described in this section, beginning on the date on which the county imposes the sales and use tax under this section, and for a three-year period after at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or until June 30, 2030, whichever comes first, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.

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

(ii) If a county of the first class imposes a sales and use tax described in this section, beginning on the day three years after the date on which at least three counties

described in Subsections (4) and (5) have imposed a tax under this section, or beginning on July 1, 2030, whichever comes first, for revenue designated for public transit as described in Subsection (4)(a) [:], the revenue shall be transferred to the Transit Transportation Investment Fund created in Section 72-2-124.

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

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

(c)(i) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, beginning on the date on which the county imposes the sales and use tax under this section, and for a three-year period following the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or until June 30, 2030, whichever comes first, revenue designated for public transit as described in Subsection (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(ii) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, beginning on the day three years after the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or beginning on July 1, 2030, whichever comes first, for the revenue that is designated for public transit in Subsection (5)(a) [:], the revenue shall be transferred to the Transit Transportation Investment Fund created in Section 72-2-124.

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

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

(d) Except as provided in Subsection [(13)(e)] (14)(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).

(12) A large public transit district shall send notice to the commission at least 90 days before the earlier of:

- (a) the date that is three years after the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section; or
- (b) June 30, 2030.

(13) For a city described in Subsection (10)(c), during the bondable term of a revitalization project described in Subsection (10)(c), the city shall transfer at least 50%, and may transfer up to 100%, of any revenue the city receives from a distribution under Subsection (4)(b) to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 for revitalization of a convention center owned by the county within a city of the first class and surrounding revitalization projects related to the convention center as permitted in Subsection (10)(c).

(14)(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.

(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.

(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.

(15)(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.

(b) The limitation under Subsection (15)(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.

Section 7. Section **63I-1-272** is amended to read:

**63I-1-272 (Effective 05/06/26). Repeal dates: Title 72.**

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

- 1493     ~~[(2)]~~ (1) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is  
1494         repealed July 1, 2028.
- 1495     ~~[(3)]~~ (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January  
1496         2, 2030.
- 1497     ~~[(4)]~~ (3) Title 72, Chapter 10, Part 13, Spaceport Exploration Committee, is repealed July 1,  
1498         2027.
- 1499         Section 8. Section **72-1-102** is amended to read:
- 1500             **72-1-102 (Effective 05/06/26). Definitions.**
- 1501         As used in this title:
- 1502     (1) "Circulator alley" means a publicly owned passageway:
- 1503         (a) with a right-of-way width of 20 feet or greater;
- 1504         (b) located within a master planned community;
- 1505         (c) established by the city having jurisdictional authority as part of the street network for  
1506             traffic circulation that may also be used for:
- 1507             (i) garbage collection;
- 1508             (ii) access to residential garages; or
- 1509             (iii) access rear entrances to a commercial establishment; and
- 1510         (d) constructed with a bituminous or concrete pavement surface.
- 1511     (2) "Commission" means the Transportation Commission created under Section 72-1-301.
- 1512     (3) "Construction" means the construction, reconstruction, replacement, and improvement  
1513         of the highways, including the acquisition of rights-of-way and material sites.
- 1514     (4) "Department" means the Department of Transportation created in Section 72-1-201.
- 1515     (5) "Executive director" means the executive director of the department appointed under  
1516         Section 72-1-202.
- 1517     (6) "Farm tractor" ~~[has the meaning set forth]~~ means the same as that term is defined in  
1518         Section 41-1a-102.
- 1519     (7) "Federal aid primary highway" means that portion of connected main highways located  
1520         within this state officially designated by the department and approved by the United  
1521         States Secretary of Transportation under Title 23, Highways, U.S.C.
- 1522     (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 1523     (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct  
1524         a public transit fixed guideway facility that will add capacity to a fixed guideway  
1525         public transit facility.
- 1526         (b) "Fixed guideway capital development" includes:

- 1527 (i) a project to strategically double track commuter rail lines; and  
1528 (ii) a project to develop and construct public transit facilities and related  
1529 infrastructure pertaining to the Point of the Mountain State Land Authority created  
1530 in Section 11-59-201.
- 1531 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.
- 1532 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,  
1533 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned  
1534 to the public, or made [-]public in an action for the partition of real property, including  
1535 the entire area within the right-of-way.
- 1536 (12) "Highway authority" means the department or the legislative, executive, or governing  
1537 body of a county or municipality.
- 1538 (13) "Housing and transit reinvestment zone" means the same as that term is defined in  
1539 Section 63N-3-602.
- 1540 (14) "Implement of husbandry" ~~[has the meaning set forth]~~ means the same as that term is  
1541 defined in Section 41-1a-102.
- 1542 (15) "Interstate system" means any highway officially designated by the department and  
1543 included as part of the national interstate and defense highways, as provided in the  
1544 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
- 1545 (16) "Large public transit district" means the same as that term is defined in Section  
1546 17B-2a-802.
- 1547 (17) "Limited-access facility" means a highway especially designated for through traffic,  
1548 and over, from, or to which neither owners nor occupants of abutting lands nor other  
1549 persons have any right or easement, or have only a limited right or easement of access,  
1550 light, air, or view.
- 1551 (18) "Master planned community" means a land use development:  
1552 (a) designated by the city as a master planned community; and  
1553 (b) comprised of a single development agreement for a development larger than 500  
1554 acres.
- 1555 (19) "Motor vehicle" ~~[has the same meaning set forth]~~ means the same as that term is defined  
1556 in Section 41-1a-102.
- 1557 (20) "Municipality" ~~[has the same meaning set forth]~~ means the same as that term is defined  
1558 in Section 10-1-104.
- 1559 (21) "National highway systems highways" means that portion of connected main highways  
1560 located within this state officially designated by the department and approved by the

United States Secretary of Transportation under Title 23, Highways, U.S.C.

(22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and maintained by the department where drivers, vehicles, and vehicle loads are checked or inspected for compliance with state and federal laws as specified in Section 72-9-501.

(b) "Port-of-entry" includes inspection and checking stations and weigh stations.

(23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties specified in Section 72-9-501.

(24) "Public transit" means the same as that term is defined in Section 17B-2a-802.

(25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(26) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to state transportation purposes.

(27) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

(28) "Semitrailer" ~~[has the meaning set forth]~~ means the same as that term is defined in Section 41-1a-102.

(29) "SR" means state route and ~~[has the same meaning as state highway as]~~ means the same as the term "state highway" is defined in this section.

(30) "State highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways Act.

(31) "State transportation purposes" ~~[has the meaning set forth]~~ means the same as that term is defined in Section 72-5-102.

(32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and thoroughfares of any kind, including connected structures, airports, aerial corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of conveyance used by the public.

(33) "Trailer" ~~[has the meaning set forth]~~ means the same as that term is defined in Section

41-1a-102.

(34)(a) "Transportation corridor" means the path or proposed path of a transportation facility that exists or that may exist in the future.

(b) "Transportation corridor" may include:

- (i) the land occupied or that may be occupied by a transportation facility; and
- (ii) any other land that may be needed for expanding, operating, or controlling access to the transportation facility.

(35) "Transportation facility" means:

- (a) a highway; or
- (b) a fixed guideway.

(36) "Transportation reinvestment zone" means a transportation reinvestment zone created [pursuant to] in accordance with Section 11-13-227.

(37) "Truck tractor" ~~[has the meaning set forth]~~ means the same as that term is defined in Section 41-1a-102.

(38) "UDOT" means the Utah Department of Transportation.

(39)(a) "Utah trail network" means a system of paved or other hard-surface trails designated by the department that:

- (i) serves a regional transportation purpose; and
  - (ii) is included in the department's Utah Trail Network master plan.
- (b) "Utah trail network" includes:
- (i) the full width of the trail surface and all land and structures necessary to support the trail; and
  - (ii) trailheads and amenities that are contiguous to or adjacent to the designated trail.

~~[(39)]~~ (40) ~~"Vehicle" [has the same meaning set forth]~~ means the same as that term is defined in Section 41-1a-102.

Section 9. Section **72-1-202** is amended to read:

**72-1-202 (Effective 05/06/26). Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**

(1)(a) The governor, with the advice and consent of the Senate, shall appoint an executive director to be the chief executive officer of the department.

(b) The executive director shall be a registered professional engineer and qualified executive with technical and administrative experience and training appropriate for the position.

(c) The executive director shall remain in office until a successor is appointed.



(d) The executive director may be removed by the governor.

(2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed in this chapter, the executive director shall:

(a) have responsibility for the administrative supervision of the state transportation systems and the various operations of the department;

(b) have the responsibility for the implementation of rules, priorities, and policies established by the department and the commission;

(c) have the responsibility for the oversight and supervision of any transportation project for which state funds are expended;

(d) have the authority to determine funding priorities during a natural disaster as described in Section 72-1-219;

~~[(d)]~~ (e) have full power to bring suit in courts of competent jurisdiction in the name of the department as the executive director considers reasonable and necessary for the proper attainment of the goals of this chapter;

~~[(e)]~~ (f) receive a salary, to be established by the governor within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual traveling expenses while away from the executive director's office on official business;

~~[(f)]~~ (g) purchase all equipment, services, and supplies necessary to achieve the department's functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

~~[(g)]~~ (h) have the responsibility to determine whether a purchase from, contribution to, or other participation with a public entity or association of public entities in a pooled fund program to acquire, develop, or share information, data, reports, or other services related to the department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement Code;

~~[(h)]~~ (i) have responsibility for administrative supervision of the Comptroller Division, the Internal Audit Division, and the Communications Division; and

~~[(i)]~~ (j) appoint assistants, to serve at the discretion of the executive director, to administer the divisions of the department.

(3) The executive director may employ other assistants and advisers as the executive director finds necessary and fix salaries in accordance with the salary standards adopted by the Division of Human Resource Management.

Section 10. Section **72-1-207** is amended to read:

**72-1-207 (Effective 05/06/26). Department may sue and be sued -- Legal adviser of department -- Partial waiver of Eleventh Amendment immunity.**

- (1) The department may sue, and it may be sued only on written contracts made by it or under its authority.
- (2) The department may sue in the name of the state.
- (3) In all matters requiring legal advice in the performance of [its] the commission's or the department's duties and in the prosecution or defense of any action growing out of the performance of [its] the commission's or the department's duties, the attorney general is the legal adviser of the commission, and the department, and shall perform any and all legal services required by the commission and the department without other compensation than [his] the attorney general's salary.
- (4) Upon request of the department, the attorney general shall aid in any investigation, hearing, or trial under the provisions of Chapter 9, Motor Carrier Safety Act, and institute and prosecute actions or proceedings for the enforcement of the provisions of the Constitution and statutes of this state or any rule or order of the department affecting motor carriers of persons and property.
- (5)(a) The state waives its immunity under the 11th Amendment of the United States Constitution and consents to suit in a federal court for lawsuits arising out of the department's compliance, discharge, or enforcement of responsibilities assumed [ ~~pursuant to~~ ] in accordance with 23 U.S.C. Secs. 326 and 327.
- (b) The waiver of immunity under this Subsection (5) is valid only if:
  - (i) the executive director or the executive director's designee executes a memorandum of understanding with the United States Department of Transportation accepting the jurisdiction of the federal courts as required by 23 U.S.C. Secs. 326(c) and 327(c);
  - (ii) before execution of the memorandum of understanding under Subsection (5)(b)(i), the attorney general has issued an opinion letter to the executive director and the [ ~~administrator of the Federal Highway Administration~~ ] relevant administrator within the United States Department of Transportation that the memorandum of understanding and the waiver of immunity are valid and binding upon the state;
  - (iii) the act or omission that is the subject of the lawsuit arises out of or relates to compliance, discharge, or enforcement of responsibilities assumed by the department [ ~~pursuant to~~ ] in accordance with 23 U.S.C. Secs. 326 and 327; and
  - (iv) the memorandum of understanding is in effect when the act or omission that is

the subject of the federal lawsuit occurred.

Section 11. Section **72-1-213.1** is amended to read:

**72-1-213.1 (Effective 05/06/26). Road usage charge program.**

(1) As used in this section:

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

(b) "Alternative fuel vehicle" means:

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

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

(A) motor fuel;

(B) diesel fuel;

(C) natural gas; or

(D) propane.

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

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

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

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

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

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

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

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

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

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

(a) shall make rules to establish:

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

(b) may make rules to establish:

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

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

(7)(a) The department may:

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

- 1765 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the  
1766 owner or lessee of:
- 1767 (A) the road usage charge program, implementation, and procedures;  
1768 (B) an unpaid road usage charge and the amount of the road usage charge to be  
1769 paid to the department;  
1770 (C) the penalty for failure to pay a road usage charge within the time period  
1771 described in Subsection (7)(a)(iii); and  
1772 (D) a hold being placed on the owner's or lessee's registration for the alternative  
1773 fuel vehicle, if the road usage charge and penalty are not paid within the time  
1774 period described in Subsection (7)(a)(iii), which would prevent the renewal of  
1775 the alternative fuel vehicle's registration; and
- 1776 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage  
1777 charge to the department within 30 days of the date when the department sends  
1778 written notice of the road usage charge to the owner or lessee.
- 1779 (b) The department shall send the correspondence and notice described in Subsection  
1780 (7)(a) to the owner of the alternative fuel vehicle according to the terms of the  
1781 program.
- 1782 (8)(a) The Division of Motor Vehicles and the department shall share and provide access  
1783 to information pertaining to an alternative fuel vehicle and participation in the  
1784 program including:
- 1785 (i) registration and ownership information pertaining to an alternative fuel vehicle;  
1786 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to  
1787 pay a road usage charge or penalty imposed under this section within the time  
1788 period described in Subsection (7)(a)(iii); and  
1789 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 1790 (b) If the department requests a hold on the registration in accordance with this section,  
1791 the Division of Motor Vehicles may not renew the registration of a motor vehicle  
1792 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the  
1793 hold request.
- 1794 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or  
1795 withdraw from the program according to the terms established by the department [  
1796 ~~pursuant to~~] in accordance with rules made under Subsection (5).
- 1797 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 1798 (a) report mileage driven as required by the department [~~pursuant to~~] in accordance with

- 1799 Subsection (5);
- 1800 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
- 1801 and
- 1802 (c) comply with all other provisions of this section and other requirements of the
- 1803 program.
- 1804 (11) The department shall submit annually, on or before October 1, to the Transportation
- 1805 Interim Committee, an electronic report that:
- 1806 (a) states for the preceding fiscal year:
- 1807 (i) the amount of revenue collected from the program;
- 1808 (ii) the participation rate in the program; and
- 1809 (iii) the department's costs to administer the program; and
- 1810 (b) provides for the current fiscal year, an estimate of:
- 1811 (i) the revenue that will be collected from the program;
- 1812 (ii) the participation rate in the program; and
- 1813 (iii) the department's costs to administer the program.
- 1814 (12)~~[(a) Beginning on January 1, 2023:]~~
- 1815 ~~[(i) the road usage charge rate is 1.0 cent per mile; and]~~
- 1816 ~~[(ii) the road usage charge cap is:]~~
- 1817 ~~[(A) \$130.25 for an annual registration period; and]~~
- 1818 ~~[(B) \$100.75 for a six-month registration period.]~~
- 1819 ~~[(b)]~~ (a) Beginning on January 1, 2026:
- 1820 (i) the road usage charge rate is 1.25 cents per mile; and
- 1821 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 1822 (A) \$180 for an annual registration period; and
- 1823 (B) \$139 for a six-month registration period.
- 1824 ~~[(c)]~~ (b) Beginning on January 1, 2032:
- 1825 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
- 1826 a different road usage charge rate in accordance with Subsection (13); and
- 1827 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 1828 (A) \$240 for an annual registration period; and
- 1829 (B) \$185 for a six-month registration period.
- 1830 (c) Beginning on January 1, 2027, for an electric vehicle with a gross vehicle weight
- 1831 rating of 6,000 pounds or more that is a commercial vehicle, as defined in Section
- 1832 41-1-102, the road usage charge cap is:

- 1833           (i) \$505 for an annual registration period; and  
1834           (ii) \$389 for a six-month registration period.
- 1835       (d) Beginning in 2024, the department shall, on January 1, annually adjust the road  
1836           usage charge rates described in this Subsection (12) by taking the road usage charge  
1837           rate for the previous year and adding an amount equal to the greater of:
- 1838           (i) an amount calculated by multiplying the road usage charge rate of the previous  
1839               year by the actual percentage change during the previous fiscal year in the  
1840               Consumer Price Index as determined by the State Tax Commission; and  
1841           (ii) 0.
- 1842       (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust  
1843           the road usage charge caps described in this Subsection (12) by taking the road usage  
1844           charge cap for the previous year and adding an amount equal to the greater of:
- 1845           (i) an amount calculated by multiplying the road usage charge cap of the previous  
1846               year by the actual percentage change during the previous fiscal year in the  
1847               Consumer Price Index; and  
1848           (ii) 0.
- 1849       (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the  
1850           nearest .01 cent.
- 1851       (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the  
1852           nearest 25 cents.
- 1853       (h) On or before January 1 of each year, the department shall publish:
- 1854           (i) the adjusted road usage charge rate described in Subsection (12)(d); and  
1855           (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 1856       (13)(a) Beginning January 1, 2032, the commission may establish by rule made in  
1857           accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road  
1858           usage charge rate for each type of alternative fuel vehicle.
- 1859       (b)(i) Before making rules in accordance with Subsection (13)(a), the commission  
1860           shall consult with the department regarding the road usage charge rate for each  
1861           type of alternative fuel vehicle.
- 1862           (ii) The department shall cooperate with and make recommendations to the  
1863               commission regarding the road usage charge rate for each type of alternative fuel  
1864               vehicle.

1865       Section 12. Section **72-1-217** is amended to read:

1866       **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29). Department of**

**Transportation study items.**

- (1) The department shall carry out transportation studies described in this section as resources allow.
- (2)(a) The department shall study items related to advanced air mobility as described in this Subsection (2).
- (b) The department shall study vertiport locations and infrastructure, including:
- (i) identification of suitable locations for vertiport infrastructure and parking infrastructure for vertiports in metropolitan areas;
  - (ii) identification of commuter rail stations that may be suitable for vertiport placement; and
  - (iii) identification of underutilized parking lots and parking structures for vertiport infrastructure placement.
- (c) The department shall study best practices and implementation of advanced air mobility technologies, including:
- (i) seeking input through community engagement;
  - (ii) state and local regulations;
  - (iii) unmanned aircraft system traffic management; and
  - (iv) weather reporting and monitoring for advanced air mobility safety.
- (d) The department shall study unmanned aircraft traffic management infrastructure, including:
- (i) unmanned aircraft system traffic management development, implementation, procedures, policies, and infrastructure; and
  - (ii) obtaining a full understanding of unmanned aircraft system traffic management, including:
    - (A) designation of airspace for advanced air mobility;
    - (B) creation of geographic categorical areas;
    - (C) identifying the appropriate number and location of advanced air mobility sensors; and
    - (D) other state specific details regarding unmanned aircraft system traffic management.
- (e) The department shall study the creation of an advanced air mobility sandbox, including:
- (i) potential locations for the sandbox testing area and desirable attributes of a suitable sandbox location;



- 1901 (ii) requirements to create a geographical advanced air mobility testing area and the  
 1902 parameters for the types of technology that may be utilized in the testing area; and  
 1903 (iii) testing and studying different types of advanced air mobility transportation of  
 1904 manned and unmanned aerial vehicles, including:  
 1905 (A) aerial vehicle size;  
 1906 (B) aerial vehicles that carry cargo, including medical cargo;  
 1907 (C) commercial aerial vehicles; and  
 1908 (D) public transportation aerial vehicles.
- 1909 (f) On or before September 30, 2023, the department shall provide a report to the  
 1910 Transportation Interim Committee of the department's findings from the study items  
 1911 described in Subsections (2)(b) through (2)(e).
- 1912 (g) The department may only use existing funds to cover the expenses incurred from the  
 1913 study of items described in Subsections (2)(b) through (2)(e).
- 1914 (3)(a) The department and a large public transit district shall jointly study programs  
 1915 offered by government entities related to human services transportation, including:  
 1916 (i) coordinated mobility services;  
 1917 (ii) paratransit services;  
 1918 (iii) nonemergency medical transportation;  
 1919 (iv) youth transportation programs, excluding school bus transportation; and  
 1920 (v) other similar fare-based or fee-based programs provided or coordinated within the  
 1921 boundary of the large public transit district, including those involving the  
 1922 department, a large public transit district, local governments, or other government  
 1923 agencies and nonprofit entities that provide similar services.
- 1924 (b) The study shall evaluate strategies to consolidate the transportation services  
 1925 described in Subsection (3)(a) to improve efficiency and service.
- 1926 (c) The department and large public transit district shall:  
 1927 (i) provide a preliminary report on the study to the Transportation Interim Committee  
 1928 on or before November 1, 2025; and  
 1929 (ii) prepare and present recommendations to the Transportation Interim Committee  
 1930 on or before November 1, 2026, for the consolidation of the services described in  
 1931 Subsection (3)(a).
- 1932 ~~[(4)(a) As used in this Subsection (4):]~~  
 1933 ~~[(i) "City" means Salt Lake City.]~~  
 1934 ~~[(ii) "Highway reduction strategy" means any strategy that has the potential to~~

permanently decrease the number of vehicles that can travel on an arterial or a collector highway per hour, including:]

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

[(B) narrowing existing motorized vehicle travel lanes on an arterial or collector highway; or]

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

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

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

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

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

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

[(B) evaluate impacts to vehicle trip time;]

[(C) evaluate impacts to air quality;]

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

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

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

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

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

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

[~~(J) present the plan to the membership of the city's chamber of commerce and other business groups; and~~]

[~~(K) provide the plan to the department for the department's review.~~]

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

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

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

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

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

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

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

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

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

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

~~[(g)(i) The department shall provide the mobility and environmental impact analysis to the Transportation Interim Committee on or before October 15, 2025.]~~

~~[(ii) The city shall provide a response to the mobility and environmental impact analysis to the Transportation Interim Committee on or before November 1, 2025.]~~

~~[(h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset review by the Transportation Interim Committee during the 2028 interim.]~~

~~[(ii) The Transportation Interim Committee may also evaluate the mobility plan process described in this Subsection (4) during the 2027 interim.]~~

Section 13. Section **72-1-219** is enacted to read:

**72-1-219 (Effective 05/06/26). Executive director authority during a natural disaster.**

(1) As used in this section, "natural disaster" means the same as that term is defined in Section 63G-6a-803.

(2) Subject to Subsection (3), the executive director may determine priorities and funding levels of projects and programs in the state transportation systems during and after a natural disaster.

(3) The executive director may only determine priorities and funding levels of a project or program as described in Subsection (2) if:

(a) the project or program is necessary to:

(i) repair existing transportation infrastructure that was damaged during the natural disaster; or

(ii) provide temporary transportation infrastructure or a program that facilitates a response to the natural disaster;

(b)(i) the commission is unable to meet in a timely manner to approve the priority and funding level of the projects; and

(ii) the executive director makes reasonable efforts to facilitate a meeting of the commission;

(c) as soon as practicable, the executive director notifies the governor, Legislature, and commission of a determination described under Subsection (2); and

(d) the funding approved by the executive director for the project is less than \$10,000,000.

(4) Following a determination described under Subsection (2), the executive director shall ensure that any priorities and funding approved by the executive director is placed on the agenda of the next commission meeting for consideration.

(5) The executive director shall report, as requested by the governor, Legislature, or commission, regarding any action taken under Subsection (2).

Section 14. Section **72-2-110** is amended to read:

**72-2-110 (Effective 05/06/26). Funds allocated to class B and class C roads -- Matching federal funds -- R.S. 2477 rights.**

A county or municipality may:

(1) use funds which are allocated to class B and class C roads for matching federal funds for the construction of secondary roads now available or which may later become available in accordance with the provisions of law; ~~and~~

(2) use funds for construction of a park-and-ride facility; and

~~[(2)]~~ (3) use up to 30% of the class B and class C road funds allocated to the county or municipality to:

- (a) pay the costs of asserting, defending, or litigating local government rights under R.S. 2477 on class B, class C, or class D roads; or
- (b) maintain class D roads.

Section 15. Section **72-2-121** is amended to read:

**72-2-121 (Effective 05/06/26). County of the First Class Highway Projects Fund.**

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

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

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

(e) the portion of the sales and use tax transferred into the fund as described in Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).

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

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

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

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

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

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

(i) an active transportation facility for nonmotorized vehicles;

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

(iii) a facility that may include a:

(A) pedestrian or nonmotorized vehicle trail;

(B) nonmotorized vehicle storage facility;

(C) pedestrian or vehicle bridge; or

(D) vehicle parking lot or parking structure;

(d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts transferred in accordance with Subsection 72-2-124(4)(a)(v);

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

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

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

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

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

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

- (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection (4)(e) has been made, to annually transfer an amount of the sales and use tax revenue imposed in a county of the first class and deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an amount needed to cover the debt to:
- (i) the appropriate debt service or sinking fund for the repayment of bonds issued under Section 63B-27-102; and
  - (ii) the appropriate debt service or sinking fund for the repayment of bonds issued under Sections 63B-31-102 and 63B-31-103;
- (h) after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, to annually transfer \$2,000,000 to a public transit district in a county of the first class to fund a system for public transit;
- (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027, to annually transfer 20%, and beginning with fiscal year 2028, and each year thereafter for 20 years, to annually transfer 33% of the amount deposited into the fund under Subsection (2)(b) to the legislative body of a county of the first class for the following purposes:
- (i) to fund parking facilities in a county of the first class that facilitate significant economic development and recreation and tourism within the state; and
  - (ii) to be used for purposes allowed in Section 17-78-702;
- (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for 15 years thereafter, to annually transfer the following amounts to the following cities and the county of the first class for priority projects to mitigate congestion and improve transportation safety:
- (i) \$2,000,000 to Sandy;
  - (ii) \$2,300,000 to Taylorsville;
  - (iii) \$1,100,000 to Salt Lake City;

- 2139 (iv) \$1,100,000 to West Jordan;  
2140 (v) \$1,100,000 to West Valley City;  
2141 (vi) \$800,000 to Herriman;  
2142 (vii) \$700,000 to Draper;  
2143 (viii) \$700,000 to Riverton;  
2144 (ix) \$700,000 to South Jordan;  
2145 (x) \$500,000 to Bluffdale;  
2146 (xi) \$500,000 to Midvale;  
2147 (xii) \$500,000 to Millcreek;  
2148 (xiii) \$500,000 to Murray;  
2149 (xiv) \$400,000 to Cottonwood Heights; and  
2150 (xv) \$300,000 to Holladay;  
2151 (k) for the 2024-25, 2025-26, and 2026-27 fiscal years, and subject to revenue balances  
2152 after the distributions under Subsection (4)(j), to reimburse the following  
2153 municipalities for the amounts and projects indicated, as each project progresses and  
2154 as revenue balances allow:  
2155 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from  
2156 Grandville Avenue to Mountain View Corridor;  
2157 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street  
2158 and 700 West;  
2159 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements  
2160 throughout Salt Lake City;  
2161 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard  
2162 and 2300 East;  
2163 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800  
2164 South and I-15;  
2165 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;  
2166 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;  
2167 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal Trail  
2168 between 11800 South and 13800 South;  
2169 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700  
2170 South;  
2171 (x) \$470,000 to the department for construction of a sound wall on Bangerter  
2172 Highway at approximately 11200 South;



- 2173 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800  
 2174 South and 5300 South;
- 2175 (xii) \$1,840,000 to Magna for construction and improvements to 8400 West and 4100  
 2176 South;
- 2177 (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting U-111  
 2178 and Old Bingham Highway;
- 2179 (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000 East  
 2180 between 3300 South and Atkin Avenue;
- 2181 (xv) \$1,230,000 to Holladay for improvements to Highland Drive between Van  
 2182 Winkle Expressway and Arbor Lane;
- 2183 (xvi) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215  
 2184 interchange;
- 2185 (xvii) \$3,750,000 to West Valley City for improvements to 4000 West between 4100  
 2186 South and 4700 South and improvements to 4700 South from 4000 West to  
 2187 Bangerter Highway;
- 2188 (xviii) \$1,700,000 to South Jordan for improvements to Prosperity Road between  
 2189 Crimson View Drive and Copper Hawk Drive;
- 2190 (xix) \$2,300,000 to West Valley City for a road connecting U-111 at approximately  
 2191 6200 South, then east and turning north and connecting to 5400 South;
- 2192 (xx) \$1,400,000 to Magna for improvements to 8000 West between 3500 South to  
 2193 4100 South;
- 2194 (xxi) \$1,300,000 to Taylorsville for improvements on 4700 South between Redwood  
 2195 Road and 2700 West; and
- 2196 (xxii) \$3,000,000 to West Jordan for improvements to 1300 West between 6600  
 2197 South and 7800 South; and
- 2198 (l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay  
 2199 debt service and bond issuance costs for \$70,000,000 of the bonds issued under  
 2200 Section 63B-34-201 for the grants awarded under Part 5, Affordable Housing  
 2201 Infrastructure Grants.
- 2202 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in  
 2203 Subsection (4)(j), the executive director shall proportionately reduce the amounts  
 2204 transferred as described in Subsection (4)(j).
- 2205 (b) A local government may not use revenue described in Subsection (4)(j) to supplant  
 2206 existing class B or class C road funds that a local government has budgeted for

- 2207 transportation projects.
- 2208 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the  
2209 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,  
2210 and 63B-27-102 are considered a local matching contribution for the purposes described  
2211 under Section 72-2-123.
- 2212 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as  
2213 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as  
2214 provided in Part 4, Public Transit Innovation Grants.
- 2215 (8) The additional administrative costs of the department to administer this fund shall be  
2216 paid from money in the fund.
- 2217 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on  
2218 the use or expenditure of the revenue sources deposited into this fund, the Department of  
2219 Transportation may use the money in this fund for any of the purposes detailed in  
2220 Subsection (4).
- 2221 (10) Subject to Subsection (11), any revenue deposited into the fund as described in  
2222 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,  
2223 operations, and supporting infrastructure in the county of the first class.
- 2224 (11) For the first three years after a county of the first class imposes a sales and use tax  
2225 authorized in Section 59-12-2220, revenue deposited into the fund as described in  
2226 Subsection (2)(e) shall be allocated as follows:
- 2227 (a) 10% to the department to construct and operate an express bus facility on 5600 West;  
2228 and
- 2229 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section  
2230 72-2-302.
- 2231 (12) A local government that receives an allocation from the fund shall annually provide to  
2232 the Transportation and Infrastructure Appropriations Subcommittee a report that  
2233 accounts for the money received, how the money has been spent, and the status of each  
2234 project for which money was allocated to the local government.
- 2235 Section 16. Section **72-2-124** is amended to read:
- 2236 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26). Transportation Investment**  
2237 **Fund of 2005.**
- 2238 (1) There is created a capital projects fund entitled the Transportation Investment Fund of  
2239 2005.
- 2240 (2) The fund consists of money generated from the following sources:

- 2241 (a) any voluntary contributions received for the maintenance, construction,  
2242 reconstruction, or renovation of state and federal highways;
- 2243 (b) appropriations made to the fund by the Legislature;
- 2244 (c) registration fees designated under Section 41-1a-1201;
- 2245 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
2246 59-12-103;
- 2247 (e) revenues transferred to the fund in accordance with Section 72-2-106;
- 2248 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
- 2249 (g) revenue from bond proceeds described in Section 63B-34-101.
- 2250 (3)(a) The fund shall earn interest.
- 2251 (b) All interest earned on fund money shall be deposited into the fund.
- 2252 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund  
2253 money to pay:
- 2254 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
2255 federal highways prioritized by the Transportation Commission through the  
2256 prioritization process for new transportation capacity projects adopted under  
2257 Section 72-1-304;
- 2258 (ii) the costs of maintenance, construction, reconstruction, or renovation to the  
2259 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 2260 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in  
2261 Section 72-5-401;
- 2262 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
2263 minus the costs paid from the County of the First Class Highway Projects Fund in  
2264 accordance with Subsection 72-2-121(4)(e);
- 2265 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
2266 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the  
2267 amount certified by Salt Lake County in accordance with Subsection  
2268 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the  
2269 revenue bonds issued by Salt Lake County;
- 2270 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
2271 for projects prioritized in accordance with Section 72-2-125;
- 2272 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
2273 Class Highway Projects Fund created in Section 72-2-121 to be used for the  
2274 purposes described in Section 72-2-121;

- 2275 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
2276 the costs needed for construction, reconstruction, or renovation of paved  
2277 pedestrian or paved nonmotorized transportation for projects that:  
2278 (A) mitigate traffic congestion on the state highway system;  
2279 (B) are part of an active transportation plan approved by the department; and  
2280 (C) are prioritized by the commission through the prioritization process for new  
2281 transportation capacity projects adopted under Section 72-1-304;
- 2282 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
2283 reconstruction, or renovation of or improvement to the following projects:  
2284 (A) the connector road between Main Street and 1600 North in the city of  
2285 Vineyard;  
2286 (B) Geneva Road from University Parkway to 1800 South;  
2287 (C) the SR-97 interchange at 5600 South on I-15;  
2288 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to  
2289 South Jordan Parkway;  
2290 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;  
2291 (F) improvements to 1600 North in Orem from 1200 West to State Street;  
2292 (G) widening I-15 between mileposts 6 and 8;  
2293 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;  
2294 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197  
2295 in Spanish Fork Canyon;  
2296 (J) I-15 northbound between mileposts 43 and 56;  
2297 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts  
2298 43 and 45.1;  
2299 (L) east Zion SR-9 improvements;  
2300 (M) Toquerville Parkway;  
2301 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;  
2302 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,  
2303 for construction of an interchange on Bangerter Highway at 13400 South; and  
2304 (P) an environmental impact study for Kimball Junction in Summit County;
- 2305 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project  
2306 costs based upon a statement of cash flow that the local jurisdiction where the  
2307 project is located provides to the department demonstrating the need for money  
2308 for the project, for the following projects in the following amounts:

- 2309 (A) \$5,000,000 for Payson Main Street repair and replacement;  
2310 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;  
2311 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and  
2312 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.  
2313 40 between mile markers 7 and 10;
- 2314 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way  
2315 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road  
2316 over the railroad and to U.S. Highway 6;
- 2317 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from  
2318 revenue deposited into the fund in accordance with Section 59-12-103, for the  
2319 following projects:
- 2320 (A) \$3,000,000 for the department to perform an environmental study for the I-15  
2321 Salem and Benjamin project; and
- 2322 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand  
2323 Dunes Road project; and
- 2324 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of  
2325 right-of-way acquisition and construction for improvements on SR-89 in a county  
2326 of the first class.
- 2327 (b) The executive director may use fund money to exchange for an equal or greater  
2328 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 2329 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may  
2330 not commence until a right-of-way not owned by a federal agency that is required  
2331 for the realignment and extension of U-111, as described in the department's 2023  
2332 environmental study related to the project, is dedicated to the department.
- 2333 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the  
2334 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the  
2335 department may proceed with the project, except that the project will be limited to  
2336 two lanes on U-111 from Herriman Parkway to 11800 South.
- 2337 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of  
2338 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive  
2339 director may not program fund money to a project prioritized by the commission  
2340 under Section 72-1-304, including fund money from the Transit Transportation  
2341 Investment Fund, within the boundaries of the municipality until the department  
2342 receives notification from the Housing and Community Development Division within

the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

- (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;
- (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
- (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
- (iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-80-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

- (i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;
- (ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;
- (iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and
- (iv) may not program Transit Transportation Investment Fund money for the

2377 construction, reconstruction, or renovation of a station that is part of a fixed  
2378 guideway public transportation project.

2379 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
2380 director before July 1, 2022, for projects prioritized by the commission under Section  
2381 72-1-304.

2382 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in  
2383 any fiscal year, the department and the commission shall appear before the Executive  
2384 Appropriations Committee of the Legislature and present the amount of bond  
2385 proceeds that the department needs to provide funding for the projects identified in  
2386 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current  
2387 or next fiscal year.

2388 (b) The Executive Appropriations Committee of the Legislature shall review and  
2389 comment on the amount of bond proceeds needed to fund the projects.

2390 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount  
2391 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
2392 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt  
2393 service or sinking fund.

2394 (9) The executive director may only use money in the fund for corridor preservation as  
2395 described in Subsection (4)(a)(iii):

2396 (a) if the project has been prioritized by the commission, including the use of fund  
2397 money for corridor preservation; or

2398 (b) for a project that has not been prioritized by the commission, if the commission:

2399 (i) approves the use of fund money for the corridor preservation; and

2400 (ii) finds that the use of fund money for corridor preservation will not result in any  
2401 delay to a project that has been prioritized by the commission.

2402 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit  
2403 Transportation Investment Fund.

2404 (b) The fund shall be funded by:

2405 (i) contributions deposited into the fund in accordance with Section 59-12-103;

2406 (ii) appropriations into the account by the Legislature;

2407 (iii) deposits of sales and use tax increment related to a housing and transit  
2408 reinvestment zone as described in Section 63N-3-610;

2409 (iv) transfers of local option sales and use tax revenue as described in Subsection  
2410 59-12-2220(11)(b) or (c);

- 2411 (v) private contributions; and
- 2412 (vi) donations or grants from public or private entities.
- 2413 (c)(i) The fund shall earn interest.
- 2414 (ii) All interest earned on fund money shall be deposited into the fund.
- 2415 (d) ~~[Subject to Subsection (10)(e), the]~~ The commission may prioritize money from the
- 2416 fund:
- 2417 (i) subject to Subsection (10)(e), for public transit capital development of new
- 2418 capacity projects and fixed guideway capital development projects to be used as
- 2419 prioritized by the commission through the prioritization process adopted under
- 2420 Section 72-1-304;
- 2421 (ii) to the department for oversight of a fixed guideway capital development project
- 2422 for which the department has responsibility; ~~[or]~~
- 2423 (iii) up to \$500,000 per year, to be used for a public transit study[-] ; or
- 2424 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
- 2425 term is defined in Section 72-5-401.
- 2426 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
- 2427 money from the fund for a public transit capital development project or pedestrian
- 2428 or nonmotorized transportation project that provides connection to the public
- 2429 transit system if the public transit district or political subdivision provides funds of
- 2430 equal to or greater than 30% of the costs needed for the project.
- 2431 (ii) A public transit district or political subdivision may use money derived from a
- 2432 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
- 2433 all or part of the 30% requirement described in Subsection (10)(e)(i) if:
- 2434 (A) the loan is approved by the commission as required in Part 2, State
- 2435 Infrastructure Bank Fund; and
- 2436 (B) the proposed capital project has been prioritized by the commission ~~[pursuant~~
- 2437 ~~to]~~ in accordance with Section 72-1-303.
- 2438 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 2439 an agreement for a large public transit district to pay the department \$5,000,000 per
- 2440 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 2441 emissions rail engines and trainsets for regional public transit rail systems.
- 2442 (g) For any revenue transferred into the fund in accordance with Subsection
- 2443 59-12-2220(11)(b):
- 2444 (i) the commission may prioritize money from the fund for public transit projects,



- 2445 operations, or maintenance within the county of the first class; and
- 2446 (ii) Subsection (10)(e) does not apply.
- 2447 (h) For any revenue transferred into the fund in accordance with Subsection
- 2448 59-12-2220(11)(c):
- 2449 (i) the commission may prioritize public transit projects, operations, or maintenance
- 2450 in the county from which the revenue was generated; and
- 2451 (ii) Subsection (10)(e) does not apply.
- 2452 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
- 2453 the project described in Subsection (10)(e) does not apply to a public transit capital
- 2454 development project or pedestrian or nonmotorized transportation project that the
- 2455 department proposes.
- 2456 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may
- 2457 prioritize money from the fund for public transit innovation grants, as defined in
- 2458 Section 72-2-401, for public transit capital development projects requested by a
- 2459 political subdivision within a public transit district.
- 2460 (k) The executive director may only use money in the fund for corridor preservation as
- 2461 described in Subsection (10)(d)(iv):
- 2462 (i) if the project has been prioritized by the commission, including the use of fund
- 2463 money for corridor preservation; or
- 2464 (ii) for a project that has not been prioritized by the commission, if the commission:
- 2465 (A) approves the use of fund money for the corridor preservation; and
- 2466 (B) determines that the use of fund money for corridor preservation will not result
- 2467 in any delay to a project that has been prioritized by the commission.
- 2468 (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
- 2469 Canyons Transportation Investment Fund.
- 2470 (b) The fund shall be funded by:
- 2471 (i) money deposited into the fund in accordance with Section 59-12-103;
- 2472 (ii) appropriations into the account by the Legislature;
- 2473 (iii) private contributions; and
- 2474 (iv) donations or grants from public or private entities.
- 2475 (c)(i) The fund shall earn interest.
- 2476 (ii) All interest earned on fund money shall be deposited into the fund.
- 2477 (d) The Legislature may appropriate money from the fund for public transit or
- 2478 transportation projects in the Cottonwood Canyons of Salt Lake County.

- 2479 (e) The department may use up to 2% of the revenue deposited into the account under  
2480 Subsection 59-12-103(7)(b) to contract with local governments as necessary for  
2481 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.
- 2482 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any  
2483 sales and use tax growth over sales and use tax collections during the 2025 fiscal year  
2484 to fund projects to provide ingress and egress for a public transit hub, including  
2485 construction of the public transit hub, in the Big Cottonwood Canyon area.
- 2486 (12)(a) There is created in the Transportation Investment Fund of 2005 the Active  
2487 Transportation Investment Fund.
- 2488 (b) The fund shall be funded by:
- 2489 (i) money deposited into the fund in accordance with Section 59-12-103;  
2490 (ii) appropriations into the account by the Legislature; and  
2491 (iii) donations or grants from public or private entities.
- 2492 (c)(i) The fund shall earn interest.  
2493 (ii) All interest earned on fund money shall be deposited into the fund.
- 2494 (d) The executive director may only use fund money to pay the costs needed for:
- 2495 ~~[(i) the planning, design, construction, maintenance, reconstruction, or renovation of~~  
2496 ~~paved pedestrian or paved nonmotorized trail projects that:]~~  
2497 ~~[(A) are prioritized by the commission through the prioritization process for new~~  
2498 ~~transportation capacity projects adopted under Section 72-1-304;]~~  
2499 ~~[(B) serve a regional purpose; and]~~  
2500 ~~[(C) are part of an active transportation plan approved by the department or the~~  
2501 ~~plan described in Subsection (12)(d)(ii);]~~  
2502 ~~[(ii) the development of a plan for a statewide network of paved pedestrian or paved~~  
2503 ~~nonmotorized trails that serve a regional purpose; and]~~  
2504 (i) the planning, design, construction, maintenance, reconstruction, or renovation of  
2505 Utah trail network projects;  
2506 (ii) the development of a plan for the Utah trail network;  
2507 (iii) the preservation of future Utah trail network corridor; and  
2508 ~~[(iii)]~~ (iv) the administration of the fund, including staff and overhead costs.
- 2509 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is  
2510 defined in Section 63N-3-602.
- 2511 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail  
2512 Subaccount.

- 2513 (c) The subaccount shall be funded by:
- 2514 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 2515 (ii) appropriations into the subaccount by the Legislature;
- 2516 (iii) private contributions; and
- 2517 (iv) donations or grants from public or private entities.
- 2518 (d)(i) The subaccount shall earn interest.
- 2519 (ii) All interest earned on money in the subaccount shall be deposited into the
- 2520 subaccount.
- 2521 (e) As prioritized by the commission through the prioritization process adopted under
- 2522 Section 72-1-304 or as directed by the Legislature, the department may only use
- 2523 money from the subaccount for projects that improve the state's commuter rail
- 2524 infrastructure, including the building or improvement of grade-separated crossings
- 2525 between commuter rail lines and public highways.
- 2526 (f) Appropriations made in accordance with this section are nonlapsing in accordance
- 2527 with Section 63J-1-602.1.
- 2528 Section 17. Section **72-2-124** is amended to read:
- 2529 **72-2-124 (Effective 07/01/26). Transportation Investment Fund of 2005.**
- 2530 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
- 2531 2005.
- 2532 (2) The fund consists of money generated from the following sources:
- 2533 (a) any voluntary contributions received for the maintenance, construction,
- 2534 reconstruction, or renovation of state and federal highways;
- 2535 (b) appropriations made to the fund by the Legislature;
- 2536 (c) registration fees designated under Section 41-1a-1201;
- 2537 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 2538 59-12-103;
- 2539 (e) revenues transferred to the fund in accordance with Section 72-2-106;
- 2540 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
- 2541 (g) revenue from bond proceeds described in Section 63B-34-201.
- 2542 (3)(a) The fund shall earn interest.
- 2543 (b) All interest earned on fund money shall be deposited into the fund.
- 2544 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
- 2545 money to pay:
- 2546 (i) the costs of maintenance, construction, reconstruction, or renovation to state and

federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

- (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);
- (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;
- (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);
- (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;
- (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;
- (viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:
  - (A) mitigate traffic congestion on the state highway system;
  - (B) are part of an active transportation plan approved by the department; and
  - (C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;
- (ix) \$705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:
  - (A) the connector road between Main Street and 1600 North in the city of Vineyard;
  - (B) Geneva Road from University Parkway to 1800 South;
  - (C) the SR-97 interchange at 5600 South on I-15;
  - (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to

South Jordan Parkway;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County;

(x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) \$5,000,000 for Payson Main Street repair and replacement;

(B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

(D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10;

(xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition, construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to U.S. Highway 6;

(xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:

(A) \$3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin project; and

(B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand

2615 Dunes Road project; and

2616 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of  
2617 right-of-way acquisition and construction for improvements on SR-89 in a county  
2618 of the first class.

2619 (b) The executive director may use fund money to exchange for an equal or greater  
2620 amount of federal transportation funds to be used as provided in Subsection (4)(a).

2621 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may  
2622 not commence until a right-of-way not owned by a federal agency that is required  
2623 for the realignment and extension of U-111, as described in the department's 2023  
2624 environmental study related to the project, is dedicated to the department.

2625 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the  
2626 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the  
2627 department may proceed with the project, except that the project will be limited to  
2628 two lanes on U-111 from Herriman Parkway to 11800 South.

2629 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of  
2630 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive  
2631 director may not program fund money to a project prioritized by the commission  
2632 under Section 72-1-304, including fund money from the Transit Transportation  
2633 Investment Fund, within the boundaries of the municipality until the department  
2634 receives notification from the Housing and Community Development Division within  
2635 the Department of Workforce Services that ineligibility under this Subsection (5) no  
2636 longer applies to the municipality.

2637 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive  
2638 director:

2639 (i) may program fund money in accordance with Subsection (4)(a) for a  
2640 limited-access facility or interchange connecting limited-access facilities;

2641 (ii) may not program fund money for the construction, reconstruction, or renovation  
2642 of an interchange on a limited-access facility;

2643 (iii) may program Transit Transportation Investment Fund money for a  
2644 multi-community fixed guideway public transportation project; and

2645 (iv) may not program Transit Transportation Investment Fund money for the  
2646 construction, reconstruction, or renovation of a station that is part of a fixed  
2647 guideway public transportation project.

2648 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive

2649 director before July 1, 2022, for projects prioritized by the commission under Section  
2650 72-1-304.

2651 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of  
2652 ineligibility for a county as described in Subsection 17-80-202(8), the executive  
2653 director may not program fund money to a project prioritized by the commission  
2654 under Section 72-1-304, including fund money from the Transit Transportation  
2655 Investment Fund, within the boundaries of the unincorporated area of the county until  
2656 the department receives notification from the Housing and Community Development  
2657 Division within the Department of Workforce Services that ineligibility under this  
2658 Subsection (6) no longer applies to the county.

2659 (b) Within the boundaries of the unincorporated area of a county described in Subsection  
2660 (6)(a), the executive director:

- 2661 (i) may program fund money in accordance with Subsection (4)(a) for a  
2662 limited-access facility to a project prioritized by the commission under Section  
2663 72-1-304;
- 2664 (ii) may not program fund money for the construction, reconstruction, or renovation  
2665 of an interchange on a limited-access facility;
- 2666 (iii) may program Transit Transportation Investment Fund money for a  
2667 multi-community fixed guideway public transportation project; and
- 2668 (iv) may not program Transit Transportation Investment Fund money for the  
2669 construction, reconstruction, or renovation of a station that is part of a fixed  
2670 guideway public transportation project.

2671 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
2672 director before July 1, 2022, for projects prioritized by the commission under Section  
2673 72-1-304.

2674 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in  
2675 any fiscal year, the department and the commission shall appear before the Executive  
2676 Appropriations Committee of the Legislature and present the amount of bond  
2677 proceeds that the department needs to provide funding for the projects identified in  
2678 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current  
2679 or next fiscal year.

2680 (b) The Executive Appropriations Committee of the Legislature shall review and  
2681 comment on the amount of bond proceeds needed to fund the projects.

2682 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount

of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);

(v) private contributions; and

(vi) donations or grants from public or private entities.

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

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

(d) ~~[Subject to Subsection (10)(e), the]~~ The commission may prioritize money from the fund:

(i) ~~subject to Subsection (10)(e),~~ for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;

(ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or

(iii) up to \$500,000 per year, to be used for a public transit study[-] ; or

(iv) subject to Subsection (10)(k), to the department for corridor preservation, as that



term is defined in Section 72-5-401

- (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.
- (ii) A public transit district or political subdivision may use money derived from a loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (10)(e)(i) if:
- (A) the loan is approved by the commission as required in Part 2, State Infrastructure Bank Fund; and
- (B) the proposed capital project has been prioritized by the commission [pursuant to] in accordance with Section 72-1-303.
- (f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department \$5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.
- (g) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(b):
- (i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and
- (ii) Subsection (10)(e) does not apply.
- (h) For any revenue transferred into the fund in accordance with Subsection 59-12-2220(11)(c):
- (i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and
- (ii) Subsection (10)(e) does not apply.
- (i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.
- (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a

- 2751 political subdivision within a public transit district.
- 2752 (k) The executive director may only use money in the fund for corridor preservation as
- 2753 described in Subsection (10)(d)(iv):
- 2754 (i) if the project has been prioritized by the commission, including the use of fund
- 2755 money for corridor preservation; or
- 2756 (ii) for a project that has not been prioritized by the commission, if the commission:
- 2757 (A) approves the use of fund money for the corridor preservation; and
- 2758 (B) determines that the use of fund money for corridor preservation will not result
- 2759 in any delay to a project that has been prioritized by the commission.
- 2760 (l)(i) The commission may, beginning July 1, 2026, prioritize up to \$3,000,000 from
- 2761 the fund to provide bus-replacement funding to one or more public transit
- 2762 providers that:
- 2763 (A) have not received funding from the Transit Transportation Investment Fund
- 2764 for a new project described in Subsection (10)(e)(i) within the previous 36
- 2765 months; and
- 2766 (B) are located in a county of the third, fourth, fifth, or sixth class.
- 2767 (ii) To be eligible for bus-replacement funding under this Subsection (10)(l), the
- 2768 public transit provider shall provide a local match as follows:
- 2769 (A) a 50% local match if the county and municipality in which the public transit
- 2770 provider is located has imposed a total of five of the optional sales and use
- 2771 taxes described in Section 59-12-2203;
- 2772 (B) a 60% local match if the county and municipality in which the public transit
- 2773 provider is located has imposed a total of four of the optional sales and use
- 2774 taxes described in Section 59-12-2203; or
- 2775 (C) a 70% local match if the county and municipality in which the public transit
- 2776 provider is located has imposed a total of three or fewer of the optional sales
- 2777 and use taxes described in Section 59-12-2203.
- 2778 (iii) The department shall determine a process and deadlines for receiving
- 2779 applications for the bus-replacement funding.
- 2780 (iv) Under this Subsection (10)(l), if total applications for bus-replacement funding
- 2781 exceed \$3,000,000, the commission shall establish a process to prioritize the
- 2782 award of funding.
- 2783 (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
- 2784 Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

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

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

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(4)(f) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

(f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

(12)(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

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

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

(d) The executive director may only use fund money to pay the costs needed for:

~~[(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:]~~

~~[(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;]~~

~~[(B) serve a regional purpose; and]~~

~~[(C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);]~~

~~[(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and]~~

- 2819            (i) the planning, design, construction, maintenance, reconstruction, or renovation of  
2820            Utah trail network projects;  
2821            (ii) the development of a plan for the Utah trail network;  
2822            (iii) the preservation of future Utah trail network corridor; and  
2823            [(iii)] (iv) the administration of the fund, including staff and overhead costs.
- 2824 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is  
2825 defined in Section 63N-3-602.
- 2826 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail  
2827 Subaccount.
- 2828 (c) The subaccount shall be funded by:  
2829            (i) contributions deposited into the subaccount in accordance with Section 59-12-103;  
2830            (ii) appropriations into the subaccount by the Legislature;  
2831            (iii) private contributions; and  
2832            (iv) donations or grants from public or private entities.
- 2833 (d)(i) The subaccount shall earn interest.  
2834            (ii) All interest earned on money in the subaccount shall be deposited into the  
2835            subaccount.
- 2836 (e) As prioritized by the commission through the prioritization process adopted under  
2837 Section 72-1-304 or as directed by the Legislature, the department may only use  
2838 money from the subaccount for projects that improve the state's commuter rail  
2839 infrastructure, including the building or improvement of grade-separated crossings  
2840 between commuter rail lines and public highways.
- 2841 (f) Appropriations made in accordance with this section are nonlapsing in accordance  
2842 with Section 63J-1-602.1.
- 2843 Section 18. Section **72-2-131** is amended to read:  
2844            **72-2-131 (Effective 05/06/26). Rail Transportation Subaccount -- Grants for**  
2845 **railroad crossing safety.**
- 2846 (1) As used in this section, "eligible entity" means:  
2847            (a) a public entity, as defined in Section 72-2-301; or  
2848            (b) a private entity that is exempt from federal income taxation under Section 501(c)(3),  
2849            Internal Revenue Code.
- 2850 (2) There is created in the Transit Transportation Investment Fund, created in Section  
2851 72-2-124, the Rail Transportation Subaccount.
- 2852 (3) The subaccount shall be funded by:

- 2853 (a) appropriations to the subaccount by the Legislature;
- 2854 (b) private contributions;
- 2855 (c) donations or grants from public or private entities; and
- 2856 (d) interest earned on money in the account.
- 2857 (4) Upon appropriation, the department shall:
- 2858 (a) use an amount equal to 10% of the money deposited into the subaccount to provide
- 2859 grants in accordance with Subsection (5);
- 2860 (b) use an amount equal to 10% of the money deposited into the subaccount to pay:
- 2861 (i) the costs of performing environmental impact studies in connection with
- 2862 construction, reconstruction, or renovation projects related to railroad crossings on
- 2863 class A, class B, or class C roads; or
- 2864 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 2865 under Subsection 63B-31-101(6); and
- 2866 (c) use the remaining money deposited into the subaccount to pay:
- 2867 (i) the costs of construction, reconstruction, or renovation projects related to:
- 2868 (A) railroad crossings on class A, class B, or class C roads; or
- 2869 (B) railroad infrastructure damaged or impacted by erosion on land owned by the
- 2870 state;
- 2871 (ii) debt service related to a project described in Subsection (4)(b);
- 2872 (iii) the appropriate debt service or sinking fund for the repayment of bonds issued
- 2873 under Subsection 63B-31-101(5); or
- 2874 (iv) ongoing maintenance costs of at-grade crossings between rail lines and public
- 2875 highways.
- 2876 (5)(a) The department may award grants to one or more eligible entities to be used for
- 2877 the purpose of improving safety at railroad crossings on class A, class B, or class C
- 2878 roads.
- 2879 (b) An eligible entity may use grant money for any expense related to improving safety
- 2880 at railroad crossings on class A, class B, or class C roads, including:
- 2881 (i) signage; and
- 2882 (ii) safety enhancements to a railroad crossing.
- 2883 (c) The department shall prioritize, in the following order, grants to applicants that
- 2884 propose projects impacting railroad crossings that:
- 2885 (i) have demonstrated safety concerns, including emergency services access; and
- 2886 (ii) have high levels of vehicular and pedestrian traffic.

Section 19. Section **72-2-201** is amended to read:

**72-2-201 (Effective 05/06/26). Definitions.**

As used in this part:

- (1) "Fund" means the State Infrastructure Bank Fund created under Section 72-2-202.
- (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan, to provide financial assistance for transportation projects or publicly owned infrastructure projects, including:
  - (a) capital reserves and other security for bond or debt instrument financing; or
  - (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a public entity to finance transportation projects.
- (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or publicly owned infrastructure project.
- (4) "Public entity" means a state agency, county, municipality, [-]special district, special service district, an intergovernmental entity organized under state law, an independent entity as defined in Section 63E-1-102, or the military installation development authority created in Section 63H-1-201.
- (5) "Publicly owned infrastructure project" means a project to improve sewer or water infrastructure that is owned by a public entity.
- (6) "Transportation project":
  - (a) means a project:
    - (i) to improve a state or local highway;
    - (ii) to improve a public transportation facility or nonmotorized transportation facility;
    - (iii) to construct or improve parking facilities;
    - (iv) that is subject to a transportation reinvestment zone agreement [~~pursuant to~~] in accordance with Section 11-13-227 if the state is party to the agreement; or
    - (v) that is part of a housing and transit reinvestment zone created [~~pursuant to~~] in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
  - (b) includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping, and fixturing; and
  - (c) may only include a project if the project is part of:
    - (i) the statewide long range plan;
    - (ii) a regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization exists for the area; or

2921 (iii) a local government general plan or economic development initiative.

2922 Section 20. Section **72-2-301** is amended to read:

2923 **72-2-301 (Effective 05/06/26). Definitions.**

2924 As used in this part:

2925 (1) "Fund" means the County of the First Class Infrastructure Bank Fund created under  
2926 Section ~~[72-2-402]~~ 72-2-302.

2927 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,  
2928 to provide financial assistance for transportation projects or publicly owned  
2929 infrastructure projects, including:

2930 (a) capital reserves and other security for bond or debt instrument financing; or

2931 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a  
2932 public entity to finance transportation projects.

2933 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or  
2934 publicly owned infrastructure project.

2935 (4) "Public entity" means a county of the first class or any of the following located within a  
2936 county of the first class:

2937 (a) a municipality;

2938 ~~(b)~~ (b) an independent entity, as defined in Section 63E-1-102;

2939 ~~[(b)]~~ (c) a special district;

2940 ~~[(c)]~~ (d) a special service district; or

2941 ~~[(d)]~~ (e) an intergovernmental entity organized under state law.

2942 (5) "Publicly owned infrastructure project" means a project to improve sewer or water  
2943 infrastructure that is owned by a public entity.

2944 ~~(6)(a)~~ "Transportation project" means a project:

2945 ~~[(a)]~~ (i) to improve a state or local highway;

2946 ~~[(b)]~~ (ii) to improve a public transportation facility or nonmotorized transportation  
2947 facility;

2948 ~~[(c)]~~ (iii) to construct or improve parking facilities;

2949 ~~[(d)]~~ (iv) that is subject to a transportation reinvestment zone agreement ~~[pursuant to]~~  
2950 in accordance with Section 11-13-227 if the state is party to the agreement; or

2951 ~~[(e)]~~ (v) that is part of a housing and transit reinvestment zone created ~~[pursuant to]~~ in  
2952 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment  
2953 Zone Act.

2954 ~~[(7)]~~ (b) "Transportation project" includes the costs of acquisition, construction,

reconstruction, rehabilitation, equipping, and fixturing.

[(8)] (c) "Transportation project" may only include a project if the project is part of:

[(a)] (i) the statewide long range plan;

[(b)] (ii) a regional transportation plan of the area metropolitan planning organization

if a metropolitan planning organization exists for the area; or

[(e)] (iii) a local government general plan or economic development initiative.

Section 21. Section **72-5-102** is amended to read:

**72-5-102 (Effective 05/06/26). Definitions.**

As used in this part, "state transportation purposes" includes:

- (1) highway, public transit facility, and transportation rights-of-way, including those necessary within cities and towns;
- (2) the construction, reconstruction, relocation, improvement, maintenance, and mitigation from the effects of these activities on state highways and other transportation facilities, including parking facilities, under the control of the department;
- (3) limited access facilities, including rights of access, air, light, and view and frontage and service roads to highways;
- (4) adequate drainage in connection with any highway, cut, fill, or channel change and the maintenance of any highway, cut, fill, or channel change;
- (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or construction sites;
- (6) road material sites, sites for the manufacture of road materials, and access roads to the sites;
- (7) the maintenance of an unobstructed view of any portion of a highway to promote the safety of the traveling public;
- (8) the placement of traffic signals, directional signs, and other signs, fences, curbs, barriers, and obstructions for the convenience of the traveling public;
- (9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
- (10) the construction and maintenance of livestock highways;
- (11) the construction and maintenance of roadside rest areas adjacent to or near any highway; [and]
- (12) the mitigation of impacts from transportation projects[-] ; and
- (13) any other transportation purpose for which the department has responsibility under this title.

Section 22. Section **72-6-120** is amended to read:



**72-6-120 (Effective 05/06/26). Department authorized to participate in federal program assuming responsibility for environmental review of transportation projects -- Rulemaking authority.**

(1) The department may:

(a) assume responsibilities under 23 U.S.C. Sec. 326 for:

(i) determining whether [state] railroad, public transportation, multimodal, or highway design and construction projects are categorically excluded from requirements for environmental assessments or environmental impact statements; and

(ii) environmental review, consultation, or other actions required under federal law for categorically excluded projects;

(b) assume responsibilities under 23 U.S.C. Sec. 327 with respect to one or more railroad, public transportation, highway, or multimodal projects within the state under the National Environmental Policy Act of 1969 for environmental review, consultation, or other action required under any federal environmental law pertaining to the review or approval of a specific railroad, public transportation, multimodal, or highway project;

(c) enter one or more memoranda of understanding with the United States Department of Transportation related to [~~federal highway~~] transportation programs as provided in 23 U.S.C. Secs. 326 and 327 subject to the requirements of Subsection 72-1-207(5);

(d) accept, receive, and administer grants, other money, or gifts from public and private agencies, including the federal government, for the purpose of carrying out the programs authorized under this section; and

(e) cooperate with the federal government in implementing this section and any memorandum of understanding entered into under Subsection 72-1-207(5).

(2) Notwithstanding any other provision of law, in implementing a program under this section that is approved by the United States Department of Transportation, the department is authorized to:

(a) perform or conduct any of the activities described in a memorandum of understanding entered into under Subsection 72-1-207(5);

(b) take actions necessary to implement the program; and

(c) adopt relevant federal environmental standards as the standards for this state for categorically excluded projects.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to implement the provisions of this section.

Section 23. Section **72-9-604** is amended to read:

**72-9-604 (Effective 05/06/26). Preemption of local authorities -- Tow trucks.**

(1) As used in this section:

(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:

(i) pay the relevant fees; and

(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) "Towing entity" means:

(i) a political subdivision of this state;

(ii) a state agency;

(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or

(iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.

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

(i) conflicts with:

(A) any provision of this part;

(B) Section 41-6a-1401;

(C) Section 41-6a-1407; or

(D) rules made by the department under this part; or

(ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the department ~~[pursuant to]~~ in accordance with Subsection 72-9-603(16).

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

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

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

- (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
- (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
- (a) no fee is charged for the inspection; and
  - (b) the inspection complies with federal motor carrier safety regulations.
- (6)(a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
- (b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
- ~~(7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.]~~
- ~~[(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.]~~
- ~~[(b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.]~~
- ~~[(ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.]~~
- ~~[(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.]~~
- ~~[(c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)]~~

unless the relevant governing body of the towing entity has approved the fee amount.]

(a) Subject to Subsection (7)(b), a towing entity may charge a reasonable fee to cover costs associated with the use of a dispatch vendor or providing a dispatch service.

(b) The relevant governing body of the towing entity shall:

(i) conduct a study to determine and justify the reasonableness of a proposed dispatch service fee described in Subsection (7)(a); and

(ii) obtain approval of the fee amount from the department and the Department of Public Safety.

~~[(d)]~~ (c) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.

(8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in [Subsections (7)(a)(i) and (7)(b)(ii)] Subsection (7)(a).

~~[(b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).]~~

~~[(e)]~~ (b)(i) ~~[Beginning January 1, 2025, and annually thereafter, the]~~ A towing entity shall annually, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:

(A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and

(B) dividing the number described in Subsection ~~[(8)(e)(i)(A)]~~ (8)(b)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.

(ii) ~~[No later than March 31, 2025, and each year thereafter, the]~~ A towing entity shall annually publish:

(A) the relevant fee amount described in Subsection ~~[(7)(a)(i) or (7)(b)(ii)]~~ (7)(a);  
and

(B) the percentage described in Subsection ~~[(8)(e)(i)]~~ (8)(c)(i).

(iii) ~~[Beginning on July 1, 2025, and each year thereafter, a]~~ A tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection ~~[(8)(e)(i)]~~ (8)(c)(i) multiplied by the relevant fee amount described in Subsection ~~[(7)(a)(i) or (7)(b)(ii)]~~ (7)(a).

~~[(d)]~~ (c) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).

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

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

(11) If a towing entity receives a notice from the department as described in Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal as provided in the notice from the department.

Section 24. Section **72-19-401** is amended to read:

**72-19-401 (Effective 05/06/26). Creation of Broadband Equity Access and Deployment Grant Program.**

(1) There is established a grant program known as the Broadband Equity Access and Deployment Grant Program that is administered by the broadband center in accordance with:

(a) this part; and

(b) the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec. 1702 et seq.

(2) The broadband center shall:

(a) prepare and submit the state's Broadband Equity Access and Deployment application, including the letter of intent, initial proposal, and final proposal to the National Telecommunications and Information Administration;

(b) administer the Broadband Equity Access and Deployment Grant Program in

accordance with this section and as approved by the National Telecommunications and Information Administration;

(c) accept and process an application for subgranted funds; and

(d) ensure that a subgrantee complies with the state's final proposal to the National Telecommunications and Information Administration.

(3) The department, in coordination with the broadband center, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program.

(4) The broadband center may approve an application for subgranted funds if:

(a) the application meets the requirements of this section;

(b) the application meets any rule made ~~[pursuant to]~~ in accordance with this section;

(c) the application meets the requirements of the National Telecommunications and Information Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec. 1702 et seq.; and

(d) the broadband center has informed the Transportation Commission about the application described in Subsection (2)(c).

(5) After the broadband center completes a competitive application process for subgranted funds~~[-but before the broadband center notifies the applicant of the award]~~, the broadband center shall present to the Transportation Commission on the subgrant award.

Section 25. Section **72-20-101** is enacted to read:

## **CHAPTER 20. Local Highway Mobility Plans**

### **72-20-101 (Effective 05/06/26). Definitions.**

As used in this chapter:

(1) "City" means Salt Lake City.

(2) "Critical capacity routes map" means the map adopted by the city designating roadways by tiers to preserve motor vehicle capacity as described in the city's transportation plans.

(3) "Highway reduction strategy" means a strategy that:

(a) has the potential to permanently decrease the number of vehicles that can travel on an arterial or a collector highway per hour, including:

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

(ii) narrowing existing motorized vehicle travel lanes on an arterial or collector highway; or

(iii) any other strategy that when implemented may reasonably be expected to

3193 increase congestion or impede traffic flow for motor vehicles driving on an  
 3194 arterial or collector highway; or

3195 (b) has the potential to permanently impact or reduce the availability and accessibility of  
 3196 on-street parking.

3197 (4) "Study area" means the area within Salt Lake City that is west of Foothill Drive, east of  
 3198 Redwood Road, south of 600 North, and extends to the southern boundary of the city.

3199 (5) "Tier four road" means a low-volume, residential or similar road.

3200 (6) "Tier one road" means a regionally significant transportation facility.

3201 (7) "Tier three road" means a low-priority, low-volume street with minimal regional  
 3202 significance within the transportation network.

3203 (8) "Tier two road" means a corridor important to the transportation network but not  
 3204 designed or anticipated to carry as much motor vehicle volume as a tier one road.

3205 (9) "Traffic calming measures" means permanent physical or regulatory measures intended  
 3206 to reduce vehicle speeds or volumes on roadways.

3207 Section 26. Section **72-20-102** is enacted to read:

3208 **72-20-102 (Effective 05/06/26). Adoption and codification of critical capacity**  
 3209 **routes map -- Agreement.**

3210 (1) On or before January 1, 2027, the city shall:

3211 (a) enter into an agreement with the department that:

3212 (i) identifies and designates each road within the city as a tier one, tier two, tier three,  
 3213 or tier four road;

3214 (ii) designates regionally significant highways within the city boundaries as tier one  
 3215 roads for which, except as provided in Subsection (2)(a), the city may not  
 3216 implement a project that includes a highway reduction strategy;

3217 (iii) designates highways within the city boundaries as tier two roads for which the  
 3218 city may implement a project that includes a highway reduction strategy only after  
 3219 the city:

3220 (A) completes a thorough data collection and impact analysis;

3221 (B) completes a thorough community and business engagement campaign that  
 3222 includes engagement with key stakeholders; and

3223 (C) receives approval for the project by the department;

3224 (iv) designates highways within the city boundaries for which the city may  
 3225 implement a project that includes a highway reduction strategy as determined  
 3226 necessary by the city, consistent with the terms of the agreement; and

(v) includes plans and timelines for the city to mitigate the impacts of traffic calming measures and highway reduction strategies previously implemented on:

(A) 300 West from 400 South to 900 South;

(B) 200 South from 300 West to 300 East; and

(C) 400 South from West Temple to Interstate 15; and

(b) adopt and codify a critical capacity routes map into the city's transportation plans and ordinances.

(2)(a)(i) The agreement described in Subsection (1)(a) may allow for implementation of one or more safety improvements on a tier one highway described in Subsection (1)(a)(ii), if the safety improvements are primarily intended to enhance the safety of all roadway users and do not materially reduce travel capacity or the number of motorized vehicle travel lanes.

(ii) Before implementing a safety improvement under this Subsection (2), the city shall:

(A) complete a thorough data collection and impact analysis;

(B) complete a thorough community and business engagement campaign that includes engagement with key stakeholders; and

(C) receive approval for the project from the department.

(b)(i) Where possible, the city shall maintain the width of a vehicle travel lane at a width of at least 12 feet.

(ii) The city may not implement a highway reduction strategy that permanently reduces the width of a highway lane below 11 feet.

(iii) The department may reject a proposed highway reduction strategy that, in the department's discretion, is not in the best interest of traffic management, flow, or safety.

(c)(i) Before the city may reduce parking by three or more parking stalls on a block face, the city shall:

(A) engage with the stakeholders in the immediate vicinity of the block face to assess potential impacts and alternatives; and

(B) inform the department if the community engagement described in Subsection (2)(d)(i) results in a determination to reduce parking by three or more stalls.

(ii) In determining whether a strategy has the potential to permanently impact availability and accessibility to on-street parking, a parking fee or hour restriction is not considered an impact on the availability or accessibility of parking.



- 3261        (d) To develop the plan for mitigation described in Subsection (1)(a)(v), the city:  
3262            (i) may engage and consult with stakeholders and the department to assess potential  
3263            impacts and alternatives; and  
3264            (ii) shall obtain approval from the department of the proposed plan for each highway.  
3265        (3) On or before November 30, 2027, and annually thereafter, the city, in consultation with  
3266            the department, shall provide a written report to the Transportation Interim Committee  
3267            with an update on the agreement and the status of highway reduction strategies and  
3268            projects.  
3269        (4) The city may exercise the city's discretion with regard to any tier four road.  
3270        (5) The city shall publish the critical capacity routes map on the city website.  
3271        (6) The city mayor and the executive director shall sign and approve the agreement.  
3272        **Section 27. Effective Date.**  
3273        (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.  
3274        (2) The actions affecting Section 72-2-124 **(Effective 07/01/26)** take effect on July 1, 2026.