

Wayne A. Harper proposes the following substitute bill:

1 **Transportation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

2 **LONG TITLE**

3 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires commercial electric vehicles with a gross weight of 6,001 pounds or more to pay
9 a road usage charge with a higher road usage charge cap;

10 ▶ exempts buses operating on the bus's planned route to temporarily cross lane lines to stop
11 at a bus stop;

12 ▶ exempts the Department of Transportation from certain requirements related to receiving
13 a conveyance of real property;

14 ▶ provides a sales tax exemption for construction materials purchased by the Department of
15 Transportation for certain public transit capital development projects;

16 ▶ phases out certain allowed uses of local option sales taxes for transportation to direct the
17 revenue to the Transit Transportation Investment Fund;

18 ▶ defines the Utah trail network;

19 ▶ delegates certain authority to the executive director of the Department of Transportation
20 during a natural disaster;

21 ▶ requires local governments that receive funds from the County of the First Class Highway
22 Projects Fund to report on the expenditure of funds and the progress of projects;

23 ▶ allows the Transportation Commission to prioritize the use of Transit Transportation
24 Investment Fund revenue for corridor preservation purposes and provides parameters for
25 the use of the revenue;

26 ▶ allows certain rail road transportation funds to be used to repair tracks and rail
27 infrastructure located on state lands;

29 ▶ allows the Department of Transportation to waive sovereign immunity for public transit
30 projects;
31 ▶ amends the definition of "state transportation purposes";
32 ▶ amends provisions related to the ability to charge towing dispatch service fees and pass
33 through a reasonable towing dispatch service fee;
34 ▶ repeals the study required by the Department of Transportation and Salt Lake City
35 regarding highway reduction strategies;
36 ▶ codifies certain requirements based on the findings and results of the study on highway
37 reduction strategies; and
38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 **Utah Code Sections Affected:**

44 **AMENDS:**

45 **41-1a-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294
46 **41-1a-1206 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 215,
47 279
48 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws
49 of Utah 2025, Chapter 527
50 **53-1-106.2 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2023,
51 Chapter 219
52 **57-1-48 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 399
53 **59-12-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
54 Session, Chapter 17
55 **59-12-2220 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
56 Session, Chapter 15
57 **63I-1-272 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 391
58 **72-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 373
59 **72-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 22, 219
60 **72-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 144
61 **72-1-213.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452
62 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of

63 Utah 2025, Chapter 452
64 **72-2-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Second Special
65 Session, Chapter 8
66 **72-2-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
67 Session, Chapter 17
68 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah
69 2025, First Special Session, Chapter 15
70 **72-2-124 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special
71 Session, Chapter 15
72 **72-2-131 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 531
73 **72-2-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 16
74 **72-2-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 501
75 **72-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 22
76 **72-6-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 424
77 **72-9-604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378
78 **72-19-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
79 Chapter 512

80 ENACTS:

81 **72-1-219 (Effective 05/06/26)**, Utah Code Annotated 1953
82 **72-20-101 (Effective 05/06/26)**, Utah Code Annotated 1953
83 **72-20-102 (Effective 05/06/26)**, Utah Code Annotated 1953

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

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

87 **41-1a-202 (Effective 05/06/26). Definitions -- Vehicles exempt from registration**

88 **-- Registration of vehicles after establishing residency.**

89 (1) As used in this section:

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

91 (b) "Domicile" means the place:

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

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

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

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

97 (A) an individual who:

98 (I) has established a domicile in this state;

99 (II) regardless of domicile, remains in this state for an aggregate period of six

100 months or more during any calendar year;

101 (III) engages in a trade, profession, or occupation in this state or who accepts

102 employment in other than seasonal work in this state and who does not

103 commute into the state;

104 (IV) declares himself to be a resident of this state for the purpose of obtaining a

105 driver license or motor vehicle registration; or

106 (V) declares himself a resident of Utah to obtain privileges not ordinarily

107 extended to nonresidents, including going to school, or placing children in

108 school without paying nonresident tuition or fees; or

109 (B) any individual, partnership, limited liability company, firm, corporation,

110 association, or other entity that:

111 (I) maintains a main office, branch office, or warehouse facility in this state

112 and that bases and operates a motor vehicle in this state; or

113 (II) operates a motor vehicle in intrastate transportation for other than seasonal

114 work.

115 (ii) "Resident" does not include any of the following:

116 (A) a member of the military temporarily stationed in Utah;

117 (B) an out-of-state student, as classified by the institution of higher education,

118 enrolled with the equivalent of seven or more quarter hours, regardless of

119 whether the student engages in a trade, profession, or occupation in this state or

120 accepts employment in this state; and

121 (C) an individual domiciled in another state or a foreign country that:

122 (I) is engaged in public, charitable, educational, or religious services for a

123 government agency or an organization that qualifies for tax-exempt status

124 under Internal Revenue Code Section 501(c)(3);

125 (II) is not compensated for services rendered other than expense

126 reimbursements; and

127 (III) is temporarily in Utah for a period not to exceed 24 months.

128 (iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a

129 vehicle equipped with an automated driving system as defined in Section

130 41-26-102.1 if the vehicle is physically present in the state for more than 30

131 consecutive days in a calendar year.

132 (2)(a) Registration under this chapter is not required for any:

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

165 use; or

166 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

167 (xii) off-highway implement of husbandry operated in the manner prescribed in
168 Subsections 41-22-5.5(3) through (5);

169 (xiii) modular and prebuilt homes conforming to the uniform building code and
170 presently regulated by the United States Department of Housing and Urban
171 Development that are not constructed on a permanent chassis;

172 (xiv) electric assisted bicycle defined under Section 41-6a-102;

173 (xv) motor assisted scooter defined under Section 41-6a-102; or

174 (xvi) electric personal assistive mobility device defined under Section 41-6a-102.

175 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),
176 incidental operation on a highway includes operation that is:

177 (i) transportation of raw agricultural materials or other agricultural related operations;
178 and

179 (ii) limited to 100 miles round trip on a highway.

180 (3)(a) Unless otherwise exempted under Subsection (2), registration under this chapter is
181 required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage
182 vehicle, or restored-modified vehicle within 60 days of the owner establishing
183 residency in this state.

184 (b)(i) The commission may contract with a designated agent described in Chapter
185 12a, Part 8, Uninsured Motorist Identification Database Program, to determine the
186 address for which a contract for owner's or operator's security pertaining to a
187 certain vehicle or vessel is tied.

188 (ii) If the information provided by the designated agent under Subsection (3)(b)(i)
189 indicates that the owner of a vehicle or vessel is a resident of this state, the
190 commission may investigate to ensure compliance with this chapter, Chapter 22,
191 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, and Title 73,
192 Chapter 18, State Boating Act.

193 (c) If the commission's investigation described in Subsection (3)(b)(ii) determines that
194 the owner of the vehicle or vessel is not in compliance with this chapter, Chapter 22,
195 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, or Title 73,
196 Chapter 18, State Boating Act, the commission:

197 (i) may impose a penalty on the owner of the vehicle or vessel of \$150; and

198 (ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and

199 allow 60 days after the date on which the notice was issued for the owner of the
200 vehicle or vessel to comply with the provisions identified in the commission's
201 investigation described in Subsection (3)(b)(ii).

202 (d) If the owner of a vehicle or vessel fails to comply as directed within the time period
203 described in Subsection (3)(c), the commission[~~created in Section 41-3-104~~] may
204 impose on the owner of the vehicle or vessel a penalty equal to the greater of:

205 (i) if the commission finds there was an underpayment of tax under Title 59, Chapter
206 12, Sales and Use Tax Act, a penalty as provided in Subsection 59-1-401(7); or
207 (ii) \$500.

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

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

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

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

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

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

225 **41-1a-1206 (Effective 05/06/26). Registration fees -- Fees by gross laden weight.**

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

229 (a) \$46.00 for each motorcycle;
230 (b) \$44 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding
231 motorcycles;
232 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202

233 or is registered under Section 41-1a-301:

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

235 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or

236 less gross unladen weight;

237 (d)(i) \$53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds

238 gross laden weight; plus

239 (ii) \$9 for each 2,000 pounds over 16,000 pounds gross laden weight;

240 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding

241 farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross laden

242 weight; plus

243 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;

244 (f)(i) \$69.50 for each park model recreational vehicle over 14,000 pounds, but not

245 exceeding 16,000 pounds gross laden weight; plus

246 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;

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

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

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

250 (A) each electric motor vehicle;[~~and~~]

251 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or

252 more that is a commercial vehicle; and

253 [~~(B)~~] (C) [~~Eaeh~~] each motor vehicle not described in this Subsection (1)(h) that is

254 fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or

255 propane;

256 (ii) \$21.75 for each hybrid electric motor vehicle; and

257 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;

258 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a

259 model year of 1983 or newer, 50 cents; and

260 (j) \$28.50 for each roadable aircraft.

261 (2)(a) At the time application is made for registration or renewal of registration of a

262 vehicle under this chapter for a six-month registration period under Section

263 41-1a-215.5, a registration fee shall be paid to the division as follows:

264 (i) \$34.50 for each motorcycle; and

265 (ii) \$33.50 for each motor vehicle of 14,000 pounds or less gross laden weight,

266 excluding motorcycles.

267 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
268 registration of a vehicle under this chapter for a six-month registration period under
269 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
270 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
271 (A) each electric motor vehicle;[and]
272 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or
273 more that is a commercial vehicle; and
274 [(B)] (C) each motor vehicle not described in this Subsection (2)(b) that is fueled
275 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
276 propane;
277 (ii) \$16.50 for each hybrid electric motor vehicle; and
278 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.

279 (3)(a) Beginning on January 1, 2024, at the time of registration:

280 (i) in addition to the amounts 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)(h), (4)(a), and (7), the individual
282 shall also pay an additional \$7 as part of the registration fee; and
283 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
284 pay an additional \$5 as part of the registration fee.

285 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
286 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
287 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
288 by taking the registration fee rate for the previous year and adding an amount
289 equal to the greater of:

290 (A) an amount calculated by multiplying the registration fee of the previous year
291 by the actual percentage change during the previous fiscal year in the
292 Consumer Price Index; and
293 (B) 0.

294 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
295 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and
296 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and
297 adding an amount equal to the greater of:

298 (A) an amount calculated by multiplying the registration fee of the previous year
299 by the actual percentage change during the previous fiscal year in the
300 Consumer Price Index; and

301 (B) 0.

302 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
303 nearest 25 cents.

304 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
305 older is \$40.

306 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
307 of registration fees under Subsection (1).

308 (c) A vehicle with a Purple Heart special group license plate issued on or before
309 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group
310 License Plates, is exempt from the registration fees under Subsection (1).

311 (d) A camper is exempt from the registration fees under Subsection (1).

312 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor
313 vehicle shall register for the total gross laden weight of all units of the combination if the
314 total gross laden weight of the combination exceeds 14,000 pounds.

315 (6)(a) Registration fee categories under this section are based on the gross laden weight
316 declared in the licensee's application for registration.

317 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
318 2,000 pounds is a full unit.

319 (7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to
320 registering under Subsection (1)(c), apply for and obtain a special registration and
321 license plate, as provided in Section 41-1a-228, for a fee of \$130.

322 (8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the
323 fee amounts are double the amounts due for a 12-month registration of the same vehicle.

324 (9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck
325 unless:

326 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

327 (b)(i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or

328 (ii) the truck has a gross vehicle weight rating of 14,000 pounds or less and the owner
329 submits to the division a certificate of emissions inspection or a waiver in
330 compliance with Section 41-6a-1642.

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

333 (11) A motor vehicle registered as a street-legal all-terrain vehicle is:

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

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

336 (12) Trucks used exclusively to pump cement, bore wells, or perform crane services with a
337 crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
338 required for those vehicles under this section.

339 Section 3. Section **41-6a-710** is amended to read:

340 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27). Roadway divided
341 into marked lanes -- Provisions -- Traffic-control devices.**

342 On a roadway divided into two or more clearly marked lanes for traffic the following
343 provisions apply and any violation of this section is an infraction:

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

345 (i) shall keep the vehicle as nearly as practical entirely within a single lane; and
346 (ii) may not move the vehicle from the lane until the operator has reasonably
347 determined the movement can be made safely.

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

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

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

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

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

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

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

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

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

366 (ii) in preparation of making or completing a left turn in compliance with Section
367 41-6a-801; or

368 (iii) where the center lane is allocated exclusively to traffic moving in the same

369 direction that the vehicle is proceeding as indicated by traffic-control devices.

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

373 (i) the center lane is:

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

376 (B) clear of traffic within a safe distance;

377 (ii) there is only one lane of travel in the direction the person operating the vehicle is
378 traveling; and

379 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped
380 that is moving at less than the reasonable speed of traffic that is present.

381 (3)(a) A highway authority may erect traffic-control devices directing specified traffic to
382 use a designated lane or designating those lanes to be used by traffic moving in a
383 particular direction regardless of the center of the roadway.

384 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected
385 under Subsection (3)(a).

386 (4)(a) A person operating a motor vehicle may not drive within a bicycle lane except:

387 (i) to cross a bicycle lane when turning into an intersection, street, alley, driveway, or
388 other parking area;

389 (ii) when responding to striping, traffic control devices, or emergency conditions; or

390 (iii) while operating:

391 (A) an authorized emergency vehicle;

392 (B) a snow removal vehicle;

393 (C) a vehicle providing municipal-type services, as defined in Section 19-3-303;

394 (D) a school bus or transit vehicle, as defined in Section 17B-2a-802, [to load or
395 unload passengers] along the school bus's or transit vehicle's planned route and
396 schedule; or

397 (E) a vehicle used by a postal service, as defined in Section 76-6-1001.

398 (b) A person operating a motor vehicle within a bicycle lane as described in Subsection
399 (4)(a)(i) shall yield the right of way to all bicycle traffic within the lane.

400 Section 4. Section **53-1-106.2** is amended to read:

401 **53-1-106.2 (Effective 05/06/26). Towing dispatch program.**

402 (1) As used in this section, "towing dispatch vendor" means a vendor that provides a

403 product or technology capable of increasing efficiency, effectiveness, and transparency
404 in the dispatching of towing providers and management of towing rotations.

405 (2) An interlocal agency established [pursuant to] under Title 11, Chapter 13, Interlocal
406 Cooperation Act, a special service district established [pursuant to] under Title 17D,
407 Chapter 1, Special Service District Act, a political subdivision, or a state agency may
408 enter into a contract with a [vendor that provides a product or technology capable of
409 increasing efficiency, effectiveness, and transparency in the dispatching of towing
410 providers and management of towing rotations.] towing dispatch vendor.

411 [(2)] (3) [The] A product or technology [described in Subseetion (1)] provided by a towing
412 dispatch vendor shall comply with the following requirements and capabilities:

- 413 (a) decreasing delays associated with requesting and dispatching a tow truck motor
414 carrier from an established tow rotation;
- 415 (b) increasing information, transparency, and data collection associated with tow
416 rotation operations[, including dispatching, response time, completion, clearance, and
417 storage]; and
- 418 (c) increasing responder and traffic safety by reducing secondary crashes, responder
419 time on scene, and the impacts of traffic accidents on traffic flow and safety.

420 (4) A product or technology provided by a towing dispatch vendor may not require a tow
421 truck operator to manipulate a wireless communication device in a manner that violates
422 Section 41-6a-1716.

423 (5)(a) A towing entity may require a tow truck motor carrier, or tow truck operator to
424 enter the following into a database controlled by the towing dispatch vendor:

- 425 (i) information about the vehicle, vessel, or outboard motor that is the subject of the
426 tow;
- 427 (ii) information about the owner of the vehicle, vessel, or outboard motor that is the
428 subject of the tow; and
- 429 (iii) other information about the circumstances and timing of the towing operation.

430 (b) If a towing dispatch vendor that receives from a towing entity, tow truck motor
431 carrier, or tow truck operator any personal or other information about the owner of a
432 vehicle that is the subject of the towing dispatch service, the towing dispatch vendor
433 may not:

- 434 (i) share the personal information with a third party;
- 435 (ii) sell the personal information to a third party;
- 436 (iii) use the information for any purpose other than dispatching for the tow or

437 removal; or

438 (iv) retain the information longer than the administrative need to execute the towing
439 dispatch service.

440 [(3)] (6) A vendor selected to provide towing dispatch management services as described in
441 this section may not also provide towing, storage, impounding, or other services related
442 to the operation of a towing provider.

443 Section 5. Section **57-1-48** is amended to read:

444 **57-1-48 (Effective 05/06/26). Conveyance by deed to a public entity.**

445 (1) [A] Subject to Subsection (5), a grantor may convey real property by deed to a public
446 entity, and a public entity may accept real property conveyed by deed from a grantor, as
447 described in this section.

448 (2) Real property conveyed to a public entity shall be conveyed by:

449 (a) if the conveyance is between two public entities, recording a deed conveying real
450 property;

451 (b) if there is no purchaser for a property offered at a tax sale, complying with the
452 procedure described in Section 59-2-1351.3; and

453 (c) if the grantor is not a public entity:

454 (i) recording a deed conveying real property along with a public entity affidavit that
455 complies with Subsection (4); or

456 (ii) recording a deed that has been notarized and signed by:

457 (A) the grantor of the property; and

458 (B) an authorized representative of the public entity.

459 (3) A conveyance of real property by deed that is recorded in a county recorder's office
460 after July 1, 2025 May 6, 2026, is voidable by the public entity intended to receive the
461 real property until the earlier of the day on which:

462 (a) a public entity affidavit approving the transfer is recorded; or

463 (b) the deed conveying the real property is signed by an authorized employee or officer
464 of the public entity.

465 (4) A public entity affidavit shall be in substantially the following form:

466 "PUBLIC ENTITY AFFIDAVIT

467 I, _____ (insert name), being of legal age and authorized by _____ (name
468 of public entity), hereafter "public entity," being first duly sworn, depose and state as follows:
469 The public entity consents to the conveyance of real property by deed from _____
470 (name of grantor(s)). By signing this Public Entity Affidavit, the public entity accepts the

471 ownership of the real property described in the attached legal description.

472 The public entity does not guarantee or provide an opinion as to the proper form or validity
473 of any conveyance document related to the real property described in the attached legal
474 description.

475 This Public Entity Affidavit is intended to evidence that the public entity consents to
476 _____ (name of grantor(s)) conveying the real property described in the attached legal
477 description to the public entity."

478 **(5) As used in this section, "public entity" does not include the Department of**
479 **Transportation.**

480 Section 6. Section **59-12-104** is amended to read:

481 **59-12-104 (Effective 07/01/26). Exemptions.**

482 Exemptions from the taxes imposed by this chapter are as follows:

483 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax
484 under Chapter 13, Motor and Special Fuel Tax Act;

485 (2) subject to Section 59-12-104.6, sales to the state, [its] the state's institutions, and [its] the
486 state's political subdivisions[;], however, this exemption does not apply to sales of:

487 (a) construction materials except:

488 (i) construction materials purchased by or on behalf of institutions of the public
489 education system as defined in Utah Constitution, Article X, Section 2, provided
490 the construction materials are clearly identified and segregated and installed or
491 converted to real property which is owned by institutions of the public education
492 system;[-and]

493 (ii) construction materials purchased by the state, its institutions, or its political
494 subdivisions which are installed or converted to real property by employees of the
495 state, its institutions, or its political subdivisions; [~~or~~] and

496 (iii) construction materials purchased by or on behalf of the Department of
497 Transportation as part of a fixed guideway capital development project for which
498 the department has oversight and supervision as described in Section 72-1-203; or

499 (b) tangible personal property in connection with the construction, operation,
500 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or
501 facilities providing additional project capacity, as defined in Section 11-13-103;

502 (3)(a) sales of an item described in Subsection (3)(b) from a vending machine if:

503 (i) the proceeds of each sale do not exceed \$1; and

504 (ii) the seller or operator of the vending machine reports an amount equal to 150% of

505 the cost of the item described in Subsection (3)(b) as goods consumed; and

506 (b) Subsection (3)(a) applies to:

507 (i) food and food ingredients; or

508 (ii) prepared food;

509 (4)(a) sales of the following to a commercial airline carrier for in-flight consumption:

510 (i) alcoholic beverages;

511 (ii) food and food ingredients; or

512 (iii) prepared food;

513 (b) sales of tangible personal property or a product transferred electronically:

514 (i) to a passenger;

515 (ii) by a commercial airline carrier; and

516 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or

517 (c) services related to Subsection (4)(a) or (b);

518 (5) sales of parts and equipment for installation in an aircraft operated by a common carrier
519 in interstate or foreign commerce;

520 (6) sales of commercials, motion picture films, prerecorded audio program tapes or records,
521 and prerecorded video tapes by a producer, distributor, or studio to a motion picture
522 exhibitor, distributor, or commercial television or radio broadcaster;

523 (7)(a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
524 cleaning or washing of tangible personal property if the cleaning or washing of the
525 tangible personal property is not assisted cleaning or washing of tangible personal
526 property;

527 (b) if a seller that sells at the same business location assisted cleaning or washing of
528 tangible personal property and cleaning or washing of tangible personal property that
529 is not assisted cleaning or washing of tangible personal property, the exemption
530 described in Subsection (7)(a) applies if the seller separately accounts for the sales of
531 the assisted cleaning or washing of the tangible personal property; and

532 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah
533 Administrative Rulemaking Act, the commission may make rules:

534 (i) governing the circumstances under which sales are at the same business location;
535 and

536 (ii) establishing the procedures and requirements for a seller to separately account for
537 sales of assisted cleaning or washing of tangible personal property;

538 (8) sales made to or by religious or charitable institutions in the conduct of their regular

539 religious or charitable functions and activities, if the requirements of Section 59-12-104.1
540 are fulfilled;

541 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of this
542 state if:

543 (a) the sale is not from the vehicle's lessor to the vehicle's lessee;
544 (b) the vehicle is not registered in this state; and
545 (c)(i) the vehicle is not used in this state; or
546 (ii) the vehicle is used in this state:

547 (A) if the vehicle is not used to conduct business, for a time period that does not
548 exceed the longer of:

549 (I) 30 days in any calendar year; or
550 (II) the time period necessary to transport the vehicle to the borders of this
551 state; or

552 (B) if the vehicle is used to conduct business, for the time period necessary to
553 transport the vehicle to the borders of this state;

554 (10)(a) amounts paid for an item described in Subsection (10)(b) if:

555 (i) the item is intended for human use; and

556 (ii)(A) a prescription was issued for the item; or

557 (B) the item was purchased by a hospital or other medical facility; and

558 (b)(i) Subsection (10)(a) applies to:

559 (A) a drug;

560 (B) a syringe; or

561 (C) a stoma supply; and

562 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
563 the commission may by rule define the terms:

564 (A) "syringe"; or

565 (B) "stoma supply";

566 (11) purchases or leases exempt under Section 19-12-201;

567 (12)(a) sales of an item described in Subsection (12)(c) served by:

568 (i) the following if the item described in Subsection (12)(c) is not available to the
569 general public:

570 (A) a church; or

571 (B) a charitable institution; or

572 (ii) an institution of higher education if:

- (A) the item described in Subsection (12)(c) is not available to the general public; or
- (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan offered by the institution of higher education;

(b) sales of an item described in Subsection (12)(c) provided for a patient by:

- (i) a medical facility; or
- (ii) a nursing facility; and

(c) Subsections (12)(a) and (b) apply to:

- (i) food and food ingredients;
- (ii) prepared food; or
- (iii) alcoholic beverages;

(13)(a) except as provided in Subsection (13)(b), the sale of tangible personal property or a product transferred electronically by a person:

- (i) regardless of the number of transactions involving the sale of that tangible personal property or product transferred electronically by that person; and
- (ii) not regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;

(b) this Subsection (13) does not apply if:

- (i) the sale is one of a series of sales of a character to indicate that the person is regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;
- (ii) the person holds that person out as regularly engaged in the business of selling that type of tangible personal property or product transferred electronically;
- (iii) the person sells an item of tangible personal property or product transferred electronically that the person purchased as a sale that is exempt under Subsection (25); or
- (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of this state in which case the tax is based upon:
 - (A) the bill of sale, lease agreement, or other written evidence of value of the vehicle or vessel being sold; or
 - (B) in the absence of a bill of sale, lease agreement, or other written evidence of value, the fair market value of the vehicle or vessel being sold at the time of the sale as determined by the commission; and

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

commission shall make rules establishing the circumstances under which:

- (i) a person is regularly engaged in the business of selling a type of tangible personal property or product transferred electronically;
- (ii) a sale of tangible personal property or a product transferred electronically is one of a series of sales of a character to indicate that a person is regularly engaged in the business of selling that type of tangible personal property or product transferred electronically; or
- (iii) a person holds that person out as regularly engaged in the business of selling a type of tangible personal property or product transferred electronically;

(14) amounts paid or charged for a purchase or lease of machinery, equipment, normal operating repair or replacement parts, or materials, except for office equipment or office supplies, by:

- (a) a manufacturing facility that:
 - (i) is located in the state; and
 - (ii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials:
 - (A) in the manufacturing process to manufacture an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (B) for a scrap recycler, to process an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (b) an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
 - (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;
 - (ii) is located in the state; and
 - (iii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials in:
 - (A) the production process to produce an item sold as tangible personal property, as the commission may define that phrase in accordance with Title 63G,

Chapter 3, Utah Administrative Rulemaking Act;

- (B) research and development, as the commission may define that phrase in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (C) transporting, storing, or managing tailings, overburden, or similar waste materials produced from mining;
- (D) developing or maintaining a road, tunnel, excavation, or similar feature used in mining; or

(E) preventing, controlling, or reducing dust or other pollutants from mining; or

(c) an establishment, as the commission defines that term in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget;

(ii) is located in the state; and

(iii) uses or consumes the machinery, equipment, normal operating repair or replacement parts, or materials in the operation of the web search portal;

(15)(a) sales of the following if the requirements of Subsection (15)(b) are met:

(i) tooling;

(ii) special tooling;

(iii) support equipment;

(iv) special test equipment; or

(v) parts used in the repairs or renovations of tooling or equipment described in Subsections (15)(a)(i) through (iv); and

(b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

(i) the tooling, equipment, or parts are used or consumed exclusively in the performance of any aerospace or electronics industry contract with the United States government or any subcontract under that contract; and

(ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i), title to the tooling, equipment, or parts is vested in the United States government as evidenced by:

- (A) a government identification tag placed on the tooling, equipment, or parts; or
- (B) listing on a government-approved property record if placing a government identification tag on the tooling, equipment, or parts is impractical;

(16) sales of newspapers or newspaper subscriptions;

675 (17)(a) except as provided in Subsection (17)(b), tangible personal property or a product
676 transferred electronically traded in as full or part payment of the purchase price,
677 except that for purposes of calculating sales or use tax upon vehicles not sold by a
678 vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:
679 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
680 vehicle being traded in; or
681 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
682 fair market value of the vehicle being sold and the vehicle being traded in, as
683 determined by the commission; and
684 (b) Subsection (17)(a) does not apply to the following items of tangible personal
685 property or products transferred electronically traded in as full or part payment of the
686 purchase price:
687 (i) money;
688 (ii) electricity;
689 (iii) water;
690 (iv) gas; or
691 (v) steam;
692 (18)(a)(i) except as provided in Subsection (18)(b), sales of tangible personal
693 property or a product transferred electronically used or consumed primarily and
694 directly in farming operations, regardless of whether the tangible personal
695 property or product transferred electronically:
696 (A) becomes part of real estate; or
697 (B) is installed by a farmer, contractor, or subcontractor; or
698 (ii) sales of parts used in the repairs or renovations of tangible personal property or a
699 product transferred electronically if the tangible personal property or product
700 transferred electronically is exempt under Subsection (18)(a)(i); and
701 (b) amounts paid or charged for the following are subject to the taxes imposed by this
702 chapter:
703 (i)(A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or
704 supplies if used in a manner that is incidental to farming; and
705 (B) tangible personal property that is considered to be used in a manner that is
706 incidental to farming includes:
707 (I) hand tools; or
708 (II) maintenance and janitorial equipment and supplies;

709 (ii)(A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product
710 transferred electronically if the tangible personal property or product
711 transferred electronically is used in an activity other than farming; and
712 (B) tangible personal property or a product transferred electronically that is
713 considered to be used in an activity other than farming includes:
714 (I) office equipment and supplies; or
715 (II) equipment and supplies used in:
716 (Aa) the sale or distribution of farm products;
717 (Bb) research; or
718 (Cc) transportation; or
719 (iii) a vehicle required to be registered by the laws of this state during the period
720 ending two years after the date of the vehicle's purchase;

721 (19) sales of hay;

722 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden,
723 farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
724 garden, farm, or other agricultural produce is sold by:
725 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
726 agricultural produce;
727 (b) an employee of the producer described in Subsection (20)(a); or
728 (c) a member of the immediate family of the producer described in Subsection (20)(a);
729 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under
730 the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;

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

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

736 (24)(a) purchases of a product if:
737 (i) the product is:
738 (A) purchased outside of this state;
739 (B) brought into this state:
740 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and
741 (II) by a nonresident person who is not living or working in this state at the
742 time of the purchase;

743 (C) used for the personal use or enjoyment of the nonresident person described in
744 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state;
745 and
746 (D) not used in conducting business in this state; and
747 (ii) for:
748 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use
749 of the product for a purpose for which the product is designed occurs outside of
750 this state;
751 (B) a boat, the boat is registered outside of this state; or
752 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
753 registered outside of this state;

754 (b) the exemption provided for in Subsection (24)(a) does not apply to:
755 (i) a lease or rental of a product; or
756 (ii) a sale of a vehicle exempt under Subsection (33); and
757 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
758 purposes of Subsection (24)(a), the commission may by rule define what constitutes
759 the following:
760 (i) conducting business in this state if that phrase has the same meaning in this
761 Subsection (24) as in Subsection (63);
762 (ii) the first use of a product if that phrase has the same meaning in this Subsection
763 (24) as in Subsection (63); or
764 (iii) a purpose for which a product is designed if that phrase has the same meaning in
765 this Subsection (24) as in Subsection (63);

766 (25) a product purchased for resale in the regular course of business, either in the product's
767 original form or as an ingredient or component part of a manufactured or compounded
768 product;

769 (26) a product upon which a sales or use tax was paid to some other state, or one of another
770 state's subdivisions, except that the state shall be paid any difference between the tax
771 paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no
772 adjustment is allowed if the tax paid was greater than the tax imposed by this part and
773 Part 2, Local Sales and Use Tax Act;

774 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person
775 for use in compounding a service taxable under the subsections;

776 (28) purchases made in accordance with the special supplemental nutrition program for

777 women, infants, and children established in 42 U.S.C. Sec. 1786;

778 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement
779 parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of
780 the 1987 Standard Industrial Classification Manual of the federal Executive Office of the
781 President, Office of Management and Budget;

782 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
783 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard
784 motor is:

785 (a) not registered in this state; and

786 (b)(i) not used in this state; or

787 (ii) used in this state:

788 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for
789 a time period that does not exceed the longer of:

790 (I) 30 days in any calendar year; or

791 (II) the time period necessary to transport the boat, boat trailer, or outboard
792 motor to the borders of this state; or

793 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the
794 time period necessary to transport the boat, boat trailer, or outboard motor to
795 the borders of this state;

796 (31) sales of aircraft manufactured in Utah;

797 (32) amounts paid for the purchase of telecommunications service for purposes of
798 providing telecommunications service;

799 (33) sales, leases, or uses of the following:

800 (a) a vehicle by an authorized carrier; or

801 (b) tangible personal property that is installed on a vehicle:

802 (i) sold or leased to or used by an authorized carrier; and

803 (ii) before the vehicle is placed in service for the first time;

804 (34)(a) 45% of the sales price of any new manufactured home; and

805 (b) 100% of the sales price of any used manufactured home;

806 (35) sales relating to schools and fundraising sales;

807 (36) sales or rentals of durable medical equipment if:

808 (a) a person presents a prescription for the durable medical equipment; and

809 (b) the durable medical equipment is used for home use only;

810 (37)(a) sales to a ski resort of electricity to operate a passenger ropeway as defined in

811 Section 72-11-102; and

812 (b) the commission shall by rule determine the method for calculating sales exempt
813 under Subsection (37)(a) that are not separately metered and accounted for in utility
814 billings;

815 (38) sales to a ski resort of:

816 (a) snowmaking equipment;

817 (b) ski slope grooming equipment;

818 (c) passenger ropeways as defined in Section 72-11-102; or

819 (d) parts used in the repairs or renovations of equipment or passenger ropeways
820 described in Subsections (38)(a) through (c);

821 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel
822 oil, or other fuels for industrial use;

823 (40)(a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
824 amusement, entertainment, or recreation an unassisted amusement device as defined
825 in Section 59-12-102;

826 (b) if a seller that sells or rents at the same business location the right to use or operate
827 for amusement, entertainment, or recreation one or more unassisted amusement
828 devices and one or more assisted amusement devices, the exemption described in
829 Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of
830 the right to use or operate for amusement, entertainment, or recreation for the assisted
831 amusement devices; and

832 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah
833 Administrative Rulemaking Act, the commission may make rules:

834 (i) governing the circumstances under which sales are at the same business location;
835 and

836 (ii) establishing the procedures and requirements for a seller to separately account for
837 the sales or rentals of the right to use or operate for amusement, entertainment, or
838 recreation for assisted amusement devices;

839 (41)(a) sales of photocopies by:

840 (i) a governmental entity; or

841 (ii) an entity within the state system of public education, including:

842 (A) a school; or

843 (B) the State Board of Education; or

844 (b) sales of publications by a governmental entity;

845 (42) amounts paid for admission to an athletic event at an institution of higher education
846 that is subject to the provisions of Title IX of the Education Amendments of 1972, 20
847 U.S.C. Sec. 1681 et seq.;

848 (43)(a) sales made to or by:
849 (i) an area agency on aging; or
850 (ii) a senior citizen center owned by a county, city, or town; or
851 (b) sales made by a senior citizen center that contracts with an area agency on aging;

852 (44) sales or leases of semiconductor fabricating, processing, research, or development
853 materials regardless of whether the semiconductor fabricating, processing, research, or
854 development materials:
855 (a) actually come into contact with a semiconductor; or
856 (b) ultimately become incorporated into real property;

857 (45) an amount paid by or charged to a purchaser for accommodations and services
858 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under
859 Section 59-12-104.2;

860 (46) the lease or use of a vehicle issued a temporary sports event registration certificate in
861 accordance with Section 41-3-306 for the event period specified on the temporary sports
862 event registration certificate;

863 (47)(a) sales or uses of electricity, if the sales or uses are made under a retail tariff
864 adopted by the Public Service Commission only for purchase of electricity produced
865 from a new alternative energy source built after January 1, 2016, as designated in the
866 tariff by the Public Service Commission; and
867 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
868 only to the portion of the tariff rate a customer pays under the tariff described in
869 Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection
870 (47)(a) that the customer would have paid absent the tariff;

871 (48) sales or rentals of mobility enhancing equipment if a person presents a prescription for
872 the mobility enhancing equipment;

873 (49) sales of water in a:
874 (a) pipe;
875 (b) conduit;
876 (c) ditch; or
877 (d) reservoir;

878 (50) sales of currency or coins that constitute legal tender of a state, the United States, or a

879 foreign nation;

880 (51)(a) sales of an item described in Subsection (51)(b) if the item:

881 (i) does not constitute legal tender of a state, the United States, or a foreign nation;

882 and

883 (ii) has a gold, silver, or platinum content of 50% or more; and

884 (b) Subsection (51)(a) applies to a gold, silver, or platinum:

885 (i) ingot;

886 (ii) bar;

887 (iii) medallion; or

888 (iv) decorative coin;

889 (52) amounts paid on a sale-leaseback transaction;

890 (53) sales of a prosthetic device:

891 (a) for use on or in a human; and

892 (b)(i) for which a prescription is required; or

893 (ii) if the prosthetic device is purchased by a hospital or other medical facility;

894 (54)(a) except as provided in Subsection (54)(b), purchases, leases, or rentals of

895 machinery or equipment by an establishment described in Subsection (54)(c) if the
896 machinery or equipment is primarily used in the production or postproduction of the
897 following media for commercial distribution:

898 (i) a motion picture;

899 (ii) a television program;

900 (iii) a movie made for television;

901 (iv) a music video;

902 (v) a commercial;

903 (vi) a documentary; or

904 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
905 commission by administrative rule made in accordance with Subsection (54)(d);

906 (b) purchases, leases, or rentals of machinery or equipment by an establishment
907 described in Subsection (54)(c) that is used for the production or postproduction of
908 the following are subject to the taxes imposed by this chapter:

909 (i) a live musical performance;

910 (ii) a live news program; or

911 (iii) a live sporting event;

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

Classification System of the federal Executive Office of the President, Office of Management and Budget, apply to Subsections (54)(a) and (b):

- (i) NAICS Code 512110; or
- (ii) NAICS Code 512119; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule:

(i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);

or

(ii) define:

(A) "commercial distribution";

(B) "live musical performance";

(C) "live news program"; or

(D) "live sporting event";

(55)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on or before June 30, 2027, of tangible personal property that:

(i) is leased or purchased for or by a facility that:

(A) is an alternative energy electricity production facility;

(B) is located in the state; and

(C)(I) becomes operational on or after July 1, 2004; or

(II) has its generation capacity increased by one or more megawatts on or after July 1, 2004, as a result of the use of the tangible personal property;

(ii) has an economic life of five or more years; and

(iii) is used to make the facility or the increase in capacity of the facility described in Subsection (55)(a)(i) operational up to the point of interconnection with an existing transmission grid including:

(A) a wind turbine;

(B) generating equipment;

(C) a control and monitoring system;

(D) a power line;

(E) substation equipment;

(F) lighting:

(G) fencing

(H) pipes; or

(I) other equipment used for locating a power line or pole; and

947 (b) this Subsection (55) does not apply to:

948 (i) tangible personal property used in construction of:

949 (A) a new alternative energy electricity production facility; or

950 (B) the increase in the capacity of an alternative energy electricity production

951 facility;

952 (ii) contracted services required for construction and routine maintenance activities;

953 and

954 (iii) unless the tangible personal property is used or acquired for an increase in

955 capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal

956 property used or acquired after:

957 (A) the alternative energy electricity production facility described in Subsection

958 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or

959 (B) the increased capacity described in Subsection (55)(a)(i) is operational as

960 described in Subsection (55)(a)(iii);

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

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

963 (i) is leased or purchased for or by a facility that:

964 (A) is a waste energy production facility;

965 (B) is located in the state; and

966 (C)(I) becomes operational on or after July 1, 2004; or

967 (II) has its generation capacity increased by one or more megawatts on or after

968 July 1, 2004, as a result of the use of the tangible personal property;

969 (ii) has an economic life of five or more years; and

970 (iii) is used to make the facility or the increase in capacity of the facility described in

971 Subsection (56)(a)(i) operational up to the point of interconnection with an

972 existing transmission grid including:

973 (A) generating equipment;

974 (B) a control and monitoring system;

975 (C) a power line;

976 (D) substation equipment;

977 (E) lighting;

978 (F) fencing;

979 (G) pipes; or

980 (H) other equipment used for locating a power line or pole; and

981 (b) this Subsection (56) does not apply to:

982 (i) tangible personal property used in construction of:

983 (A) a new waste energy facility; or

984 (B) the increase in the capacity of a waste energy facility;

985 (ii) contracted services required for construction and routine maintenance activities;

986 and

987 (iii) unless the tangible personal property is used or acquired for an increase in

988 capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used

989 or acquired after:

990 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as

991 described in Subsection (56)(a)(iii); or

992 (B) the increased capacity described in Subsection (56)(a)(i) is operational as

993 described in Subsection (56)(a)(iii);

994 (57)(a) leases of five or more years or purchases made on or after July 1, 2004, but on or

995 before June 30, 2027, of tangible personal property that:

996 (i) is leased or purchased for or by a facility that:

997 (A) is located in the state;

998 (B) produces fuel from alternative energy, including:

999 (I) methanol; or

1000 (II) ethanol; and

1001 (C)(I) becomes operational on or after July 1, 2004; or

1002 (II) has its capacity to produce fuel increase by 25% or more on or after July 1,

1003 2004, as a result of the installation of the tangible personal property;

1004 (ii) has an economic life of five or more years; and

1005 (iii) is installed on the facility described in Subsection (57)(a)(i);

1006 (b) this Subsection (57) does not apply to:

1007 (i) tangible personal property used in construction of:

1008 (A) a new facility described in Subsection (57)(a)(i); or

1009 (B) the increase in capacity of the facility described in Subsection (57)(a)(i);

1010 (ii) contracted services required for construction and routine maintenance activities;

1011 and

1012 (iii) unless the tangible personal property is used or acquired for an increase in

1013 capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used

1014 or acquired after:

1015 (A) the facility described in Subsection (57)(a)(i) is operational; or
1016 (B) the increased capacity described in Subsection (57)(a)(i) is operational;

1017 (58)(a) subject to Subsection (58)(b), sales of tangible personal property or a product
1018 transferred electronically to a person within this state if that tangible personal
1019 property or product transferred electronically is subsequently shipped outside the
1020 state and incorporated [pursuant to] in accordance with contract into and becomes a
1021 part of real property located outside of this state; and
1022 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
1023 state or political entity to which the tangible personal property is shipped imposes a
1024 sales, use, gross receipts, or other similar transaction excise tax on the transaction
1025 against which the other state or political entity allows a credit for sales and use taxes
1026 imposed by this chapter;

1027 (59) purchases:
1028 (a) of one or more of the following items in printed or electronic format:
1029 (i) a list containing information that includes one or more:
1030 (A) names; or
1031 (B) addresses; or
1032 (ii) a database containing information that includes one or more:
1033 (A) names; or
1034 (B) addresses; and
1035 (b) used to send direct mail;

1036 (60) redemptions or repurchases of a product by a person if that product was:
1037 (a) delivered to a pawnbroker as part of a pawn transaction; and
1038 (b) redeemed or repurchased within the time period established in a written agreement
1039 between the person and the pawnbroker for redeeming or repurchasing the product;

1040 (61)(a) purchases or leases of an item described in Subsection (61)(b) if the item:
1041 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
1042 and
1043 (ii) has a useful economic life of one or more years; and
1044 (b) the following apply to Subsection (61)(a):
1045 (i) telecommunications enabling or facilitating equipment, machinery, or software;
1046 (ii) telecommunications equipment, machinery, or software required for 911 service;
1047 (iii) telecommunications maintenance or repair equipment, machinery, or software;
1048 (iv) telecommunications switching or routing equipment, machinery, or software; or

1049 (v) telecommunications transmission equipment, machinery, or software;

1050 (62)(a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible

1051 personal property or a product transferred electronically that are used in the research

1052 and development of alternative energy technology; and

1053 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1054 commission may, for purposes of Subsection (62)(a), make rules defining what

1055 constitutes purchases of tangible personal property or a product transferred

1056 electronically that are used in the research and development of alternative energy

1057 technology;

1058 (63)(a) purchases of tangible personal property or a product transferred electronically if:

1059 (i) the tangible personal property or product transferred electronically is:

1060 (A) purchased outside of this state;

1061 (B) brought into this state at any time after the purchase described in Subsection

1062 (63)(a)(i)(A); and

1063 (C) used in conducting business in this state; and

1064 (ii) for:

1065 (A) tangible personal property or a product transferred electronically other than

1066 the tangible personal property described in Subsection (63)(a)(ii)(B), the first

1067 use of the property for a purpose for which the property is designed occurs

1068 outside of this state; or

1069 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is

1070 registered outside of this state and not required to be registered in this state

1071 under Section 41-1a-202 or 73-18-9 based on residency;

1072 (b) the exemption provided for in Subsection (63)(a) does not apply to:

1073 (i) a lease or rental of tangible personal property or a product transferred

1074 electronically; or

1075 (ii) a sale of a vehicle exempt under Subsection (33); and

1076 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for

1077 purposes of Subsection (63)(a), the commission may by rule define what constitutes

1078 the following:

1079 (i) conducting business in this state if that phrase has the same meaning in this

1080 Subsection (63) as in Subsection (24);

1081 (ii) the first use of tangible personal property or a product transferred electronically if

1082 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

1083 (iii) a purpose for which tangible personal property or a product transferred
1084 electronically is designed if that phrase has the same meaning in this Subsection
1085 (63) as in Subsection (24);

1086 (64) sales of disposable home medical equipment or supplies if:
1087 (a) a person presents a prescription for the disposable home medical equipment or
1088 supplies;
1089 (b) the disposable home medical equipment or supplies are used exclusively by the
1090 person to whom the prescription described in Subsection (64)(a) is issued; and
1091 (c) the disposable home medical equipment and supplies are listed as eligible for
1092 payment under:
1093 (i) Title XVIII, federal Social Security Act; or
1094 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;

1095 (65) sales:
1096 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
1097 Act; or
1098 (b) of tangible personal property to a subcontractor of a public transit district, if the
1099 tangible personal property is:
1100 (i) clearly identified; and
1101 (ii) installed or converted to real property owned by the public transit district;

1102 (66) sales of construction materials:
1103 (a) purchased on or after July 1, 2010;
1104 (b) purchased by, on behalf of, or for the benefit of an international airport:
1105 (i) located within a county of the first class; and
1106 (ii) that has a United States customs office on its premises; and
1107 (c) if the construction materials are:
1108 (i) clearly identified;
1109 (ii) segregated; and
1110 (iii) installed or converted to real property:
1111 (A) owned or operated by the international airport described in Subsection (66)(b);
1112 and
1113 (B) located at the international airport described in Subsection (66)(b);

1114 (67) sales of construction materials:
1115 (a) purchased on or after July 1, 2008;
1116 (b) purchased by, on behalf of, or for the benefit of a new airport;

1117 (i) located within a county of the second or third class, as classified in Section
1118 17-60-104; and

1119 (ii) that is owned or operated by a city in which an airline as defined in Section
1120 59-2-102 is headquartered; and

1121 (c) if the construction materials are:

1122 (i) clearly identified;

1123 (ii) segregated; and

1124 (iii) installed or converted to real property:

1125 (A) owned or operated by the new airport described in Subsection (67)(b);

1126 (B) located at the new airport described in Subsection (67)(b); and

1127 (C) as part of the construction of the new airport described in Subsection (67)(b);

1128 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a common
1129 carrier that is a railroad for use in a locomotive engine;

1130 (69) purchases and sales described in Section 63H-4-111;

1131 (70)(a) sales of tangible personal property to an aircraft maintenance, repair, and
1132 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in
1133 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered
1134 aircraft's registration lists a state or country other than this state as the location of
1135 registry of the fixed wing turbine powered aircraft; or

1136 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul
1137 provider in connection with the maintenance, repair, overhaul, or refurbishment in
1138 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered
1139 aircraft's registration lists a state or country other than this state as the location of
1140 registry of the fixed wing turbine powered aircraft;

1141 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

1142 (a) to a person admitted to an institution of higher education; and

1143 (b) by a seller, other than a bookstore owned by an institution of higher education, if
1144 51% or more of that seller's sales revenue for the previous calendar quarter are sales
1145 of a textbook for a higher education course;

1146 (72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5)
1147 on a purchaser from a business for which the municipality provides an enhanced level of
1148 municipal services;

1149 (73) amounts paid or charged for construction materials used in the construction of a new or
1150 expanding life science research and development facility in the state, if the construction

1151 materials are:

1152 (a) clearly identified;
1153 (b) segregated; and
1154 (c) installed or converted to real property;

1155 (74) amounts paid or charged for:

1156 (a) a purchase or lease of machinery and equipment that:

1157 (i) are used in performing qualified research:
1158 (A) as defined in Section 41(d), Internal Revenue Code; and
1159 (B) in the state; and
1160 (ii) have an economic life of three or more years; and

1161 (b) normal operating repair or replacement parts:

1162 (i) for the machinery and equipment described in Subsection (74)(a); and
1163 (ii) that have an economic life of three or more years;

1164 (75) a sale or lease of tangible personal property used in the preparation of prepared food if:

1165 (a) for a sale:

1166 (i) the ownership of the seller and the ownership of the purchaser are identical; and
1167 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that
1168 tangible personal property [prior to] before making the sale; or

1169 (b) for a lease:

1170 (i) the ownership of the lessor and the ownership of the lessee are identical; and
1171 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that
1172 tangible personal property [prior to] before making the lease;

1173 (76)(a) purchases of machinery or equipment if:

1174 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
1175 Gambling, and Recreation Industries, of the 2012 North American Industry
1176 Classification System of the federal Executive Office of the President, Office of
1177 Management and Budget;

1178 (ii) the machinery or equipment:

1179 (A) has an economic life of three or more years; and
1180 (B) is used by one or more persons who pay admission or user fees described in
1181 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment;
1182 and

1183 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
1184 (A) amounts paid or charged as admission or user fees described in Subsection

1185 59-12-103(1)(f); and

1186 (B) subject to taxation under this chapter; and

1187 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1188 commission may make rules for verifying that 51% of a purchaser's sales revenue for
1189 the previous calendar quarter is:

1190 (i) amounts paid or charged as admission or user fees described in Subsection

1191 59-12-103(1)(f); and

1192 (ii) subject to taxation under this chapter;

1193 (77) purchases of a short-term lodging consumable by a business that provides
1194 accommodations and services described in Subsection 59-12-103(1)(i);

1195 (78) amounts paid or charged to access a database:

1196 (a) if the primary purpose for accessing the database is to view or retrieve information
1197 from the database; and

1198 (b) not including amounts paid or charged for a:

1199 (i) digital audio work;

1200 (ii) digital audio-visual work; or

1201 (iii) digital book;

1202 (79) amounts paid or charged for a purchase or lease made by an electronic financial
1203 payment service, of:

1204 (a) machinery and equipment that:

1205 (i) are used in the operation of the electronic financial payment service; and

1206 (ii) have an economic life of three or more years; and

1207 (b) normal operating repair or replacement parts that:

1208 (i) are used in the operation of the electronic financial payment service; and

1209 (ii) have an economic life of three or more years;

1210 (80) sales of a fuel cell as defined in Section 54-15-102;

1211 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
1212 product transferred electronically if the tangible personal property or product transferred
1213 electronically:

1214 (a) is stored, used, or consumed in the state; and

1215 (b) is temporarily brought into the state from another state:

1216 (i) during a disaster period as defined in Section 53-2a-1202;

1217 (ii) by an out-of-state business as defined in Section 53-2a-1202;

1218 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and

1219 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;

1220 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined in
1221 Section 39A-7-102, made [pursuant to] in accordance with Title 39A, Chapter 7, Morale,
1222 Welfare, and Recreation Program;

1223 (83) amounts paid or charged for a purchase or lease of molten magnesium;

1224 (84) amounts paid or charged for a purchase or lease made by a qualifying data center or an
1225 occupant of a qualifying data center of machinery, equipment, or normal operating
1226 repair or replacement parts, if the machinery, equipment, or normal operating repair or
1227 replacement parts:

1228 (a) are used in:
1229 (i) the operation of the qualifying data center; or
1230 (ii) the occupant's operations in the qualifying data center; and

1231 (b) have an economic life of one or more years;

1232 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle
1233 that includes cleaning or washing of the interior of the vehicle;

1234 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal
1235 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or
1236 supplies used or consumed:
1237 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
1238 in Section 79-6-701 located in the state;
1239 (b) if the machinery, equipment, normal operating repair or replacement parts, catalysts,
1240 chemicals, reagents, solutions, or supplies are used or consumed in:
1241 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
1242 added to gasoline or diesel fuel;
1243 (ii) research and development;
1244 (iii) transporting, storing, or managing raw materials, work in process, finished
1245 products, and waste materials produced from refining gasoline or diesel fuel, or
1246 adding blendstock to gasoline or diesel fuel;
1247 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
1248 refining; or
1249 (v) preventing, controlling, or reducing pollutants from refining; and

1250 (c) if the person holds a valid refiner tax exemption certification as defined in Section
1251 79-6-701;

1252 (87) amounts paid to or charged by a proprietor for accommodations and services, as

1253 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations
1254 tax imposed under Section 63H-1-205;

1255 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal
1256 operating repair or replacement parts, or materials, except for office equipment or office
1257 supplies, by an establishment, as the commission defines that term in accordance with
1258 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

1259 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North
1260 American Industry Classification System of the federal Executive Office of the
1261 President, Office of Management and Budget;
1262 (b) is located in this state; and
1263 (c) uses the machinery, equipment, normal operating repair or replacement parts, or
1264 materials in the operation of the establishment;

1265 (89) amounts paid or charged for an item exempt under Section 59-12-104.10;

1266 (90) sales of a note, leaf, foil, or film, if the item:

1267 (a) is used as currency;
1268 (b) does not constitute legal tender of a state, the United States, or a foreign nation; and
1269 (c) has a gold, silver, or platinum metallic content of 50% or more, exclusive of any
1270 transparent polymer holder, coating, or encasement;

1271 (91) amounts paid or charged for admission to an indoor skydiving, rock climbing, or
1272 surfing facility, if a trained instructor:

1273 (a) is present with the participant, in person or by video, for the duration of the activity;
1274 and
1275 (b) actively instructs the participant, including providing observation or feedback;

1276 (92) amounts paid or charged in connection with the construction, operation, maintenance,
1277 repair, or replacement of facilities owned by or constructed for:

1278 (a) a distribution electrical cooperative, as defined in Section 54-2-1; or
1279 (b) a wholesale electrical cooperative, as defined in Section 54-2-1;

1280 (93) amounts paid by the service provider for tangible personal property, other than
1281 machinery, equipment, parts, office supplies, electricity, gas, heat, steam, or other fuels,
1282 that:

1283 (a) is consumed in the performance of a service that is subject to tax under Subsection
1284 59-12-103(1)(b), (f), (g), (h), (i), or (j);
1285 (b) has to be consumed for the service provider to provide the service described in
1286 Subsection (93)(a); and

1287 (c) will be consumed in the performance of the service described in Subsection (93)(a),
1288 to one or more customers, to the point that the tangible personal property disappears
1289 or cannot be used for any other purpose;

1290 (94) sales of rail rolling stock manufactured in Utah;

1291 (95) amounts paid or charged for sales of sand, gravel, rock aggregate, cement products, or
1292 construction materials between establishments, as the commission defines that term in
1293 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:

1294 (a) the establishments are related directly or indirectly through 100% common
1295 ownership or control; and

1296 (b) each establishment is described in one of the following subsectors of the 2022 North
1297 American Industry Classification System of the federal Executive Office of the
1298 President, Office of Management and Budget:

1299 (i) NAICS Subsector 237, Heavy and Civil Engineering Construction; or
1300 (ii) NAICS Subsector 327, Nonmetallic Mineral Product Manufacturing;

1301 (96) sales of construction materials used for the construction of a qualified stadium, as
1302 defined in Section 11-70-101;

1303 (97) amounts paid or charged for sales of a cannabinoid product as that term is defined in
1304 Section 4-41-102;

1305 (98) amounts paid or charged by an operator of a qualifying energy storage manufacturing
1306 facility for:

1307 (a) a purchase of tangible personal property if the tangible personal property is
1308 incorporated into equipment or a device that stores and discharges energy at the
1309 qualifying energy storage manufacturing facility; and

1310 (b) a purchase or lease of machinery, equipment, or normal operating repair or
1311 replacement parts if the machinery, equipment, or normal operating repair or
1312 replacement parts are used exclusively in the operation of the qualifying energy
1313 storage manufacturing facility;

1314 (99) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving
1315 equipment is not yet installed in a motor vehicle;

1316 (100) amounts paid or charged for sales of adaptive driving equipment if the adaptive
1317 driving equipment is installed in a motor vehicle by a previous owner and the
1318 requirements of Section 59-12-104.11 are met; and

1319 (101) sales of construction materials used for the construction, remodeling, or refurbishing
1320 of a major sporting event venue, as defined in Section 63N-3-1701, within an approved

1321 major sporting event venue zone.

1322 Section 7. Section **59-12-2220** is amended to read:

1323 **59-12-2220 (Effective 07/01/26). County option sales and use tax to fund**
1324 **highways or a system for public transit -- Base -- Rate.**

1325 (1) Subject to the other provisions of this part and subject to the requirements of this
1326 section, the following counties may impose a sales and use tax under this section:

1327 (a) a county legislative body may impose the sales and use tax on the transactions
1328 described in Subsection 59-12-103(1) located within the county, including the cities
1329 and towns within the county if:

1330 (i) the entire boundary of a county is annexed into a large public transit district; and
1331 (ii) the maximum amount of sales and use tax authorizations allowed in accordance
1332 with Section 59-12-2203 and authorized under the following sections has been
1333 imposed:

1334 (A) Section 59-12-2213;

1335 (B) Section 59-12-2214;

1336 (C) Section 59-12-2215;

1337 (D) Section 59-12-2216;

1338 (E) Section 59-12-2217;

1339 (F) Section 59-12-2218; and

1340 (G) Section 59-12-2219;

1341 (b) if the county is not annexed into a large public transit district, the county legislative
1342 body may impose the sales and use tax on the transactions described in Subsection
1343 59-12-103(1) located within the county, including the cities and towns within the
1344 county if:

1345 (i) the county is an eligible political subdivision; or

1346 (ii) a city or town within the boundary of the county is an eligible political
1347 subdivision; or

1348 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may
1349 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)
1350 located within the county, including the cities and towns within the county.

1351 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
1352 county legislative body that imposes a sales and use tax under this section may impose
1353 the tax at a rate of .2%.

1354 (3)(a) The commission shall distribute sales and use tax revenue collected under this

1355 section as determined by a county legislative body as described in Subsection (3)(b).

1356 (b) If a county legislative body imposes a sales and use tax as described in this section,
1357 the county legislative body may elect to impose a sales and use tax revenue
1358 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of
1359 county, and presence and type of a public transit provider in the county.

1360 (4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a
1361 county legislative body imposes a sales and use tax as described in this section, and the
1362 entire boundary of the county is annexed into a large public transit district, and the
1363 county is a county of the first class, the commission shall distribute the sales and use tax
1364 revenue as follows:

1365 (a) .10% to a public transit district as described in Subsection (11);
1366 (b) .05% to the cities and towns as provided in Subsection (8); and
1367 (c) .05% to the county legislative body.

1368 (5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as
1369 described in this section and the entire boundary of the county is annexed into a large
1370 public transit district, and the county is a county not described in Subsection (4), the
1371 commission shall distribute the sales and use tax revenue as follows:

1372 (a) .10% to a public transit district as described in Subsection (11);
1373 (b) .05% to the cities and towns as provided in Subsection (8); and
1374 (c) .05% to the county legislative body.

1375 (6)(a) Except as provided in Subsection (14)(c), if the entire boundary of a county that
1376 imposes a sales and use tax as described in this section is not annexed into a single
1377 public transit district, but a city or town within the county is annexed into a single
1378 public transit district, or if the city or town is an eligible political subdivision, the
1379 commission shall distribute the sales and use tax revenue collected within the county
1380 as provided in Subsection (6)(b) or (c).

1381 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is
1382 annexed into the single public transit district, or an eligible political subdivision, the
1383 commission shall distribute the sales and use tax revenue collected within the portion
1384 of the county that is within a public transit district or eligible political subdivision as
1385 follows:

1386 (i) .05% to a public transit provider as described in Subsection (11);
1387 (ii) .075% to the cities and towns as provided in Subsection (8); and
1388 (iii) .075% to the county legislative body.

1389 (c) Except as provided in Subsection (14)(c), for a city, town, or portion of the county
1390 described in Subsection (6)(a) that is not annexed into a single public transit district
1391 or eligible political subdivision in the county, the commission shall distribute the
1392 sales and use tax revenue collected within that portion of the county as follows:
1393 (i) .08% to the cities and towns as provided in Subsection (8); and
1394 (ii) .12% to the county legislative body.

1395 (7) For a county without a public transit service that imposes a sales and use tax as
1396 described in this section, the commission shall distribute the sales and use tax revenue
1397 collected within the county as follows:
1398 (a) .08% to the cities and towns as provided in Subsection (8); and
1399 (b) .12% to the county legislative body.

1400 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions
1401 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
1402 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
1403 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
1404 through (7) shall be distributed to the unincorporated areas, cities, and towns
1405 within those counties on the basis of the percentage that the population of each
1406 unincorporated area, city, or town bears to the total population of all of the
1407 counties that impose a tax under this section; and
1408 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),
1409 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)
1410 through (7) shall be distributed to the unincorporated areas, cities, and towns
1411 within those counties on the basis of the location of the transaction as determined
1412 under Sections 59-12-211 through 59-12-215.

1413 (b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent
1414 not otherwise required by federal law:
1415 (A) the most recent estimate from the Utah Population Committee created in
1416 Section 63C-20-103; or
1417 (B) if the Utah Population Committee estimate is not available for each
1418 municipality and unincorporated area, the adjusted sub-county population
1419 estimate provided by the Utah Population Committee in accordance with
1420 Section 63C-20-104.
1421 (ii) If a needed population estimate is not available from the United States Census
1422 Bureau, population figures shall be derived from an estimate from the Utah

Population Estimates Committee created by executive order of the governor.

(c)(i) Beginning on January 1, 2024, if the Housing and Community Development

Division within the Department of Workforce Services determines that a city or town is ineligible for funds in accordance with Subsection 10-21-202(6),

beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection 10-21-202(6) does not apply.

(ii) Beginning on January 1, 2024, if the Housing and Community Development

Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection 17-80-202(6), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection 17-80-202(6) does not apply.

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

(10)(a) Except as provided in 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:

1457 (i) a public transit district;
1458 (ii) an eligible political subdivision; or
1459 (iii) another entity providing a service for public transit or a transit facility within the
1460 relevant county, as those terms are defined in Section 17B-2a-802.

1461 (b)(i)(A) If a county of the first class imposes a sales and use tax described in this
1462 section, beginning on the date on which the county imposes the sales and use
1463 tax under this section, and for a three-year period after at least three counties
1464 described in Subsections (4) and (5) have imposed a tax under this section, or
1465 until June 30, 2030, whichever comes first, revenue designated for public
1466 transit within a county of the first class as described in Subsection (4)(a) shall
1467 be transferred to the County of the First Class Highway Projects Fund created
1468 in Section 72-2-121.

1469 (B) Revenue deposited into the County of the First Class Highway Projects Fund
1470 created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be
1471 used for public transit innovation grants as provided in Title 72, Chapter 2, Part
1472 4, Public Transit Innovation Grants.

1473 (ii) If a county of the first class imposes a sales and use tax described in this section,
1474 beginning on the day three years after the date on which at least three counties
1475 described in Subsections (4) and (5) have imposed a tax under this section, or
1476 beginning on July 1, 2030, whichever comes first, for revenue designated for
1477 public transit as described in Subsection (4)(a)[:] , the revenue shall be transferred
1478 to the county to be used for a purpose described in Subsection (11)(a).

1479 [(A) ~~50% of the revenue from a sales and use tax imposed under this section in a~~
1480 ~~county of the first class shall be transferred to the County of the First Class~~
1481 ~~Highway Projects Fund created in Seetion 72-2-121; and]~~
1482 [(B) ~~50% of the revenue from a sales and use tax imposed under this section in a~~
1483 ~~county of the first class shall be transferred to the Transit Transportation~~
1484 ~~Investment Fund created in Subsection 72-2-124(9).]~~

1485 (c)[(i)] If a county that is not a county of the first class for which the entire boundary
1486 of the county is annexed into a large public transit district imposes a sales and use
1487 tax described in this section, beginning on the date on which the county imposes
1488 the sales and use tax under this section[~~, and for a three-year period following the~~
1489 ~~date on which at least three counties described in Subsections (4) and (5) have~~
1490 ~~imposed a tax under this section, or until June 30, 2030, whichever comes first,~~]

1491 revenue designated for public transit as described in Subsection (5)(a) shall be
1492 transferred to the relevant county legislative body to be used for a purpose
1493 described in Subsection (11)(a).

1494 [((ii) If a county that is not a county of the first class for which the entire boundary of
1495 the county is annexed into a large public transit district imposes a sales and use
1496 tax described in this section, beginning on the day three years after the date on
1497 which at least three counties described in Subsections (4) and (5) have imposed a
1498 tax under this section, or beginning on July 1, 2030, whichever comes first, for the
1499 revenue that is designated for public transit in Subsection (5)(a).)]

1500 [(A) 50% shall be transferred to the Transit Transportation Investment Fund
1501 created in Subsection 72-2-124(9); and]

1502 [(B) 50% shall be transferred to the relevant county legislative body to be used for
1503 a purpose described in Subsection (11)(a).]

1504 (d) Except as provided in Subsection [(13)(c)] (14)(c), for a county that imposes a sales
1505 and use tax under this section, for revenue designated for public transit as described
1506 in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county
1507 legislative body to be used for a purpose described in Subsection (11)(a).

1508 (12) A large public transit district shall send notice to the commission at least 90 days
1509 before the earlier of:

1510 (a) the date that is three years after the date on which at least three counties described in
1511 Subsections (4) and (5) have imposed a tax under this section; or
1512 (b) June 30, 2030.

1513 (13) For a city described in Subsection (10)(c), during the bondable term of a revitalization
1514 project described in Subsection (10)(c), the city shall transfer at least 50%, and may
1515 transfer up to 100%, of any revenue the city receives from a distribution under
1516 Subsection (4)(b) to a convention center public infrastructure district created in
1517 accordance with Section 17D-4-202.1 for revitalization of a convention center owned by
1518 the county within a city of the first class and surrounding revitalization projects related
1519 to the convention center as permitted in Subsection (10)(c).

1520 (14)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not
1521 required to, submit an opinion question to the county's registered voters in
1522 accordance with Section 59-12-2208 to impose a sales and use tax under this section.

1523 (b) If a county passes an ordinance to impose a sales and use tax as described in this
1524 section, the sales and use tax shall take effect on the first day of the calendar quarter

1525 after a 90-day period that begins on the date the commission receives written notice
1526 from the county of the passage of the ordinance.

1527 (c) A county that imposed the local option sales and use tax described in this section
1528 before January 1, 2023, may maintain that county's distribution allocation in place as
1529 of January 1, 2023.

1530 (15)(a) Revenue collected from a sales and use tax under this section may not be used to
1531 supplant existing General Fund appropriations that a county, city, or town budgeted
1532 for transportation or public transit as of the date the tax becomes effective for a
1533 county, city, or town.

1534 (b) The limitation under Subsection (15)(a) does not apply to a designated transportation
1535 or public transit capital or reserve account a county, city, or town established before
1536 the date the tax becomes effective.

1537 Section 8. Section **63I-1-272** is amended to read:

1538 **63I-1-272 (Effective 05/06/26). Repeal dates: Title 72.**

1539 [① Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City,
1540 is repealed July 1, 2029.]

1541 [②] (1) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is
1542 repealed July 1, 2028.

1543 [③] (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January
1544 2, 2030.

1545 [④] (3) Title 72, Chapter 10, Part 13, Spaceport Exploration Committee, is repealed July 1,
1546 2027.

1547 Section 9. Section **72-1-102** is amended to read:

1548 **72-1-102 (Effective 05/06/26). Definitions.**

1549 As used in this title:

1550 (1) "Circulator alley" means a publicly owned passageway:

1551 (a) with a right-of-way width of 20 feet or greater;

1552 (b) located within a master planned community;

1553 (c) established by the city having jurisdictional authority as part of the street network for
1554 traffic circulation that may also be used for:

1555 (i) garbage collection;

1556 (ii) access to residential garages; or

1557 (iii) access rear entrances to a commercial establishment; and

1558 (d) constructed with a bituminous or concrete pavement surface.

1559 (2) "Commission" means the Transportation Commission created under Section 72-1-301.

1560 (3) "Construction" means the construction, reconstruction, replacement, and improvement

1561 of the highways, including the acquisition of rights-of-way and material sites.

1562 (4) "Department" means the Department of Transportation created in Section 72-1-201.

1563 (5) "Executive director" means the executive director of the department appointed under

1564 Section 72-1-202.

1565 (6) "Farm tractor" [has the meaning set forth] means the same as that term is defined in

1566 Section 41-1a-102.

1567 (7) "Federal aid primary highway" means that portion of connected main highways located

1568 within this state officially designated by the department and approved by the United

1569 States Secretary of Transportation under Title 23, Highways, U.S.C.

1570 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

1571 (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct

1572 a public transit fixed guideway facility that will add capacity to a fixed guideway

1573 public transit facility.

1574 (b) "Fixed guideway capital development" includes:

1575 (i) a project to strategically double track commuter rail lines; and

1576 (ii) a project to develop and construct public transit facilities and related

1577 infrastructure pertaining to the Point of the Mountain State Land Authority created

1578 in Section 11-59-201.

1579 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.

1580 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,

1581 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned

1582 to the public, or made [-]public in an action for the partition of real property, including

1583 the entire area within the right-of-way.

1584 (12) "Highway authority" means the department or the legislative, executive, or governing

1585 body of a county or municipality.

1586 (13) "Housing and transit reinvestment zone" means the same as that term is defined in

1587 Section 63N-3-602.

1588 (14) "Implement of husbandry" [has the meaning set forth] means the same as that term is

1589 defined in Section 41-1a-102.

1590 (15) "Interstate system" means any highway officially designated by the department and

1591 included as part of the national interstate and defense highways, as provided in the

1592 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

1593 (16) "Large public transit district" means the same as that term is defined in Section
1594 17B-2a-802.

1595 (17) "Limited-access facility" means a highway especially designated for through traffic,
1596 and over, from, or to which neither owners nor occupants of abutting lands nor other
1597 persons have any right or easement, or have only a limited right or easement of access,
1598 light, air, or view.

1599 (18) "Master planned community" means a land use development:
1600 (a) designated by the city as a master planned community; and
1601 (b) comprised of a single development agreement for a development larger than 500
1602 acres.

1603 (19) "Motor vehicle" [has the same meaning set forth] means the same as that term is defined
1604 in Section 41-1a-102.

1605 (20) "Municipality" [has the same meaning set forth] means the same as that term is defined
1606 in Section 10-1-104.

1607 (21) "National highway systems highways" means that portion of connected main highways
1608 located within this state officially designated by the department and approved by the
1609 United States Secretary of Transportation under Title 23, Highways, U.S.C.

1610 (22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
1611 maintained by the department where drivers, vehicles, and vehicle loads are checked
1612 or inspected for compliance with state and federal laws as specified in Section
1613 72-9-501.

1614 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

1615 (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties
1616 specified in Section 72-9-501.

1617 (24) "Public transit" means the same as that term is defined in Section 17B-2a-802.

1618 (25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot,
1619 passenger loading or unloading zone, parking lot, or other facility:
1620 (a) leased by or operated by or on behalf of a public transit district; and
1621 (b) related to the public transit services provided by the district, including:
1622 (i) railway or other right-of-way;
1623 (ii) railway line; and
1624 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled
1625 by a transit vehicle.

1626 (26) "Right-of-way" means real property or an interest in real property, usually in a strip,

1627 acquired for or devoted to state transportation purposes.

1628 (27) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or
1629 proposals in addition to bids or proposals manually sealed and submitted.

1630 (28) "Semitrailer" [has the meaning set forth] means the same as that term is defined in
1631 Section 41-1a-102.

1632 (29) "SR" means state route and [has the same meaning as state highway as] means the same
1633 as the term "state highway" is defined in this section.

1634 (30) "State highway" means those highways designated as state highways in Title 72,
1635 Chapter 4, Designation of State Highways Act.

1636 (31) "State transportation purposes" [has the meaning set forth] means the same as that term
1637 is defined in Section 72-5-102.

1638 (32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and
1639 thoroughfares of any kind, including connected structures, airports, aerial corridor
1640 infrastructure, spaceports, public transit facilities, and all other modes and forms of
1641 conveyance used by the public.

1642 (33) "Trailer" [has the meaning set forth] means the same as that term is defined in Section
1643 41-1a-102.

1644 (34)(a) "Transportation corridor" means the path or proposed path of a transportation
1645 facility that exists or that may exist in the future.

1646 (b) "Transportation corridor" may include:

1647 (i) the land occupied or that may be occupied by a transportation facility; and
1648 (ii) any other land that may be needed for expanding, operating, or controlling access
1649 to the transportation facility.

1650 (35) "Transportation facility" means:

1651 (a) a highway; or

1652 (b) a fixed guideway.

1653 (36) "Transportation reinvestment zone" means a transportation reinvestment zone created [
1654 pursuant to] in accordance with Section 11-13-227.

1655 (37) "Truck tractor" [has the meaning set forth] means the same as that term is defined in
1656 Section 41-1a-102.

1657 (38) "UDOT" means the Utah Department of Transportation.

1658 (39)(a) "Utah trail network" means a system of paved or other hard-surface trails
1659 designated by the department that:

1660 (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 designated by the department 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 10. 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

1695 business;

1696 [f] (g) purchase all equipment, services, and supplies necessary to achieve the
1697 department's functions, powers, duties, rights, and responsibilities delegated under
1698 Section 72-1-201;

1699 [g] (h) have the responsibility to determine whether a purchase from, contribution to, or
1700 other participation with a public entity or association of public entities in a pooled
1701 fund program to acquire, develop, or share information, data, reports, or other
1702 services related to the department's mission are procurement items under Title 63G,
1703 Chapter 6a, Utah Procurement Code;

1704 [h] (i) have responsibility for administrative supervision of the Comptroller Division,
1705 the Internal Audit Division, and the Communications Division; and

1706 [i] (j) appoint assistants, to serve at the discretion of the executive director, to
1707 administer the divisions of the department.

1708 (3) The executive director may employ other assistants and advisers as the executive
1709 director finds necessary and fix salaries in accordance with the salary standards adopted
1710 by the Division of Human Resource Management.

1711 Section 11. Section **72-1-207** is amended to read:

1712 **72-1-207 (Effective 05/06/26). Department may sue and be sued -- Legal adviser
1713 of department -- Partial waiver of Eleventh Amendment immunity.**

1714 (1) The department may sue, and it may be sued only on written contracts made by it or
1715 under its authority.

1716 (2) The department may sue in the name of the state.

1717 (3) In all matters requiring legal advice in the performance of [its] the commission's or the
1718 department's duties and in the prosecution or defense of any action growing out of the
1719 performance of [its] the commission's or the department's duties, the attorney general is
1720 the legal adviser of the commission, and the department, and shall perform any and all
1721 legal services required by the commission and the department without other
1722 compensation than [his] the attorney general's salary.

1723 (4) Upon request of the department, the attorney general shall aid in any investigation,
1724 hearing, or trial under the provisions of Chapter 9, Motor Carrier Safety Act, and
1725 institute and prosecute actions or proceedings for the enforcement of the provisions of
1726 the Constitution and statutes of this state or any rule or order of the department affecting
1727 motor carriers of persons and property.

1728 (5)(a) The state waives its immunity under the 11th Amendment of the United States

1729 Constitution and consents to suit in a federal court for lawsuits arising out of the
1730 department's compliance, discharge, or enforcement of responsibilities assumed [
1731 ~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327.

1732 (b) The waiver of immunity under this Subsection (5) is valid only if:

1733 (i) the executive director or the executive director's designee executes a memorandum
1734 of understanding with the United States Department of Transportation accepting
1735 the jurisdiction of the federal courts as required by 23 U.S.C. Secs. 326(c) and
1736 327(c);

1737 (ii) before execution of the memorandum of understanding under Subsection (5)(b)(i),
1738 the attorney general has issued an opinion letter to the executive director and the [
1739 ~~administrator of the Federal Highway Administration~~] relevant administrator
1740 within the United States Department of Transportation that the memorandum of
1741 understanding and the waiver of immunity are valid and binding upon the state;

1742 (iii) the act or omission that is the subject of the lawsuit arises out of or relates to
1743 compliance, discharge, or enforcement of responsibilities assumed by the
1744 department [~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327; and

1745 (iv) the memorandum of understanding is in effect when the act or omission that is
1746 the subject of the federal lawsuit occurred.

1747 Section 12. Section **72-1-213.1** is amended to read:

1748 **72-1-213.1 (Effective 05/06/26). Road usage charge program.**

1749 (1) As used in this section:

1750 (a) "Account manager" means an entity under contract with the department to administer
1751 and manage the road usage charge program.

1752 (b) "Alternative fuel vehicle" means:

1753 (i) an electric motor vehicle as defined in Section 41-1a-102; or

1754 (ii) a motor vehicle powered exclusively by a fuel other than:

1755 (A) motor fuel;

1756 (B) diesel fuel;

1757 (C) natural gas; or

1758 (D) propane.

1759 (c) "Payment period" means the interval during which an owner is required to report
1760 mileage and pay the appropriate road usage charge according to the terms of the
1761 program.

1762 (d) "Program" means the road usage charge program established and described in this

1763 section.

1764 (e) "Road usage charge cap" means the maximum fee charged to a participant in the
1765 program for a registration period.

1766 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the
1767 program.

1768 (2) There is established a road usage charge program as described in this section.

1769 (3)(a) The department shall implement and oversee the administration of the program,
1770 which shall begin on January 1, 2020.

1771 (b) To implement and administer the program, the department may contract with an
1772 account manager.

1773 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the
1774 alternative fuel vehicle in the program.

1775 (b) If an application for enrollment into the program is approved by the department, the
1776 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of
1777 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).

1778 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1779 consistent with this section, the department:

1780 (a) shall make rules to establish:

- 1781 (i) processes and terms for enrollment into and withdrawal or removal from the
1782 program;
- 1783 (ii) payment periods and other payment methods and procedures for the program;
- 1784 (iii) standards for mileage reporting mechanisms for an owner or lessee of an
1785 alternative fuel vehicle to report mileage as part of participation in the program;
- 1786 (iv) standards for program functions for mileage recording, payment processing,
1787 account management, and other similar aspects of the program;
- 1788 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner
1789 and an account manager for participation in the program;
- 1790 (vi) contractual terms between the department and an account manager, including
1791 authority for an account manager to enforce the terms of the program;
- 1792 (vii) procedures to provide security and protection of personal information and data
1793 connected to the program, and penalties for account managers for violating
1794 privacy protection rules;
- 1795 (viii) penalty procedures for a program participant's failure to pay a road usage
1796 charge or tampering with a device necessary for the program; and

1797 (ix) department oversight of an account manager, including privacy protection of
1798 personal information and access and auditing capability of financial and other
1799 records related to administration of the program; and

1800 (b) may make rules to establish:

1801 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the
1802 program;

1803 (ii) a process for collection of an unpaid road usage charge or penalty; or

1804 (iii) integration of the program with other similar programs, such as tolling.

1805 (6) Revenue generated by the road usage charge program and relevant penalties shall be
1806 deposited into the Road Usage Charge Program Special Revenue Fund.

1807 (7)(a) The department may:

1808 (i)(A) impose a penalty for failure to timely pay a road usage charge according to
1809 the terms of the program or tampering with a device necessary for the program;
1810 and

1811 (B) request that the Division of Motor Vehicles place a hold on the registration of
1812 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage
1813 charge or penalty according to the terms of the program;

1814 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the
1815 owner or lessee of:

1816 (A) the road usage charge program, implementation, and procedures;

1817 (B) an unpaid road usage charge and the amount of the road usage charge to be
1818 paid to the department;

1819 (C) the penalty for failure to pay a road usage charge within the time period
1820 described in Subsection (7)(a)(iii); and

1821 (D) a hold being placed on the owner's or lessee's registration for the alternative
1822 fuel vehicle, if the road usage charge and penalty are not paid within the time
1823 period described in Subsection (7)(a)(iii), which would prevent the renewal of
1824 the alternative fuel vehicle's registration; and

1825 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
1826 charge to the department within 30 days of the date when the department sends
1827 written notice of the road usage charge to the owner or lessee.

1828 (b) The department shall send the correspondence and notice described in Subsection
1829 (7)(a) to the owner of the alternative fuel vehicle according to the terms of the
1830 program.

1831 (8)(a) The Division of Motor Vehicles and the department shall share and provide access
1832 to information pertaining to an alternative fuel vehicle and participation in the
1833 program including:
1834 (i) registration and ownership information pertaining to an alternative fuel vehicle;
1835 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
1836 pay a road usage charge or penalty imposed under this section within the time
1837 period described in Subsection (7)(a)(iii); and
1838 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
1839 (b) If the department requests a hold on the registration in accordance with this section,
1840 the Division of Motor Vehicles may not renew the registration of a motor vehicle
1841 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the
1842 hold request.
1843 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or
1844 withdraw from the program according to the terms established by the department [
1845 ~~pursuant to~~] in accordance with rules made under Subsection (5).
1846 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
1847 (a) report mileage driven as required by the department ~~pursuant to~~ in accordance with
1848 Subsection (5);
1849 (b) pay the road usage fee for each payment period in accordance with Subsection (5);
1850 and
1851 (c) comply with all other provisions of this section and other requirements of the
1852 program.
1853 (11) The department shall submit annually, on or before October 1, to the Transportation
1854 Interim Committee, an electronic report that:
1855 (a) states for the preceding fiscal year:
1856 (i) the amount of revenue collected from the program;
1857 (ii) the participation rate in the program; and
1858 (iii) the department's costs to administer the program; and
1859 (b) provides for the current fiscal year, an estimate of:
1860 (i) the revenue that will be collected from the program;
1861 (ii) the participation rate in the program; and
1862 (iii) the department's costs to administer the program.
1863 (12)[(a) ~~Beginning on January 1, 2023:~~]
1864 [(i) ~~the road usage charge rate is 1.0 cent per mile; and~~]

1865 [~~(iii) the road usage charge cap is:~~]

1866 [~~(A) \$130.25 for an annual registration period; and~~]

1867 [~~(B) \$100.75 for a six-month registration period.~~]

1868 [~~(b)~~] (a) Beginning on January 1, 2026:

1869 (i) the road usage charge rate is 1.25 cents per mile; and

1870 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:

1871 (A) \$180 for an annual registration period; and

1872 (B) \$139 for a six-month registration period.

1873 [~~(e)~~] (b) Beginning on January 1, 2032:

1874 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
1875 a different road usage charge rate in accordance with Subsection (13); and

1876 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:

1877 (A) \$240 for an annual registration period; and

1878 (B) \$185 for a six-month registration period.

1879 (c) Beginning on January 1, 2027, for an electric vehicle with a gross combined weight
1880 rating of 6,001 pounds or more that is a commercial vehicle, as defined in Section
1881 41-1a-102, the road usage charge cap is:

1882 (i) \$500 for an annual registration period; and

1883 (ii) \$385 for a six-month registration period.

1884 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
1885 usage charge rates described in this Subsection (12) by taking the road usage charge
1886 rate for the previous year and adding an amount equal to the greater of:

1887 (i) an amount calculated by multiplying the road usage charge rate of the previous
1888 year by the actual percentage change during the previous fiscal year in the
1889 Consumer Price Index as determined by the State Tax Commission; and

1890 (ii) 0.

1891 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
1892 the road usage charge caps described in this Subsection (12) by taking the road usage
1893 charge cap for the previous year and adding an amount equal to the greater of:

1894 (i) an amount calculated by multiplying the road usage charge cap of the previous
1895 year by the actual percentage change during the previous fiscal year in the
1896 Consumer Price Index; and

1897 (ii) 0.

1898 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the

nearest .01 cent.

- (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the nearest 25 cents.
- (h) On or before January 1 of each year, the department shall publish:
 - (i) the adjusted road usage charge rate described in Subsection (12)(d); and
 - (ii) adjusted road usage charge cap described in Subsection (12)(e).
- (i) Beginning January 1, 2032, the commission may establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road usage charge rate for each type of alternative fuel vehicle.
- (b)(i) Before making rules in accordance with Subsection (13)(a), the commission shall consult with the department regarding the road usage charge rate for each type of alternative fuel vehicle.
 - (ii) The department shall cooperate with and make recommendations to the commission regarding the road usage charge rate for each type of alternative fuel vehicle.

Section 13. Section **72-1-217** is amended to read:

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

1933 (iv) weather reporting and monitoring for advanced air mobility safety.

1934 (d) The department shall study unmanned aircraft traffic management infrastructure,
1935 including:

1936 (i) unmanned aircraft system traffic management development, implementation,
1937 procedures, policies, and infrastructure; and

1938 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
1939 including:

1940 (A) designation of airspace for advanced air mobility;

1941 (B) creation of geographic categorical areas;

1942 (C) identifying the appropriate number and location of advanced air mobility
1943 sensors; and

1944 (D) other state specific details regarding unmanned aircraft system traffic
1945 management.

1946 (e) The department shall study the creation of an advanced air mobility sandbox,
1947 including:

1948 (i) potential locations for the sandbox testing area and desirable attributes of a
1949 suitable sandbox location;

1950 (ii) requirements to create a geographical advanced air mobility testing area and the
1951 parameters for the types of technology that may be utilized in the testing area; and

1952 (iii) testing and studying different types of advanced air mobility transportation of
1953 manned and unmanned aerial vehicles, including:

1954 (A) aerial vehicle size;

1955 (B) aerial vehicles that carry cargo, including medical cargo;

1956 (C) commercial aerial vehicles; and

1957 (D) public transportation aerial vehicles.

1958 (f) On or before September 30, 2023, the department shall provide a report to the
1959 Transportation Interim Committee of the department's findings from the study items
1960 described in Subsections (2)(b) through (2)(e).

1961 (g) The department may only use existing funds to cover the expenses incurred from the
1962 study of items described in Subsections (2)(b) through (2)(e).

1963 (3)(a) The department and a large public transit district shall jointly study programs
1964 offered by government entities related to human services transportation, including:

1965 (i) coordinated mobility services;

1966 (ii) paratransit services;

- (iii) nonemergency medical transportation;
- (iv) youth transportation programs, excluding school bus transportation; and
- (v) other similar fare-based or fee-based programs provided or coordinated within the boundary of the large public transit district, including those involving the department, a large public transit district, local governments, or other government agencies and nonprofit entities that provide similar services.

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

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

- (i) provide a preliminary report on the study to the Transportation Interim Committee on or before November 1, 2025; and
- (ii) prepare and present recommendations to the Transportation Interim Committee on or before November 1, 2026, for the consolidation of the services described in Subsection (3)(a).

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

[~~(i) "City" means Salt Lake City.~~]

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

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

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

[(e)(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.]

2035 [((ii)(A) For a project related to any highway reduction strategy that was
2036 programmed by the department on or before July 1, 2024, but has not been
2037 advertised on or before February 25, 2025, the department may conduct an
2038 expedited review of the project.)]
2039 [(B) If the department approves a project after an expedited review as described in
2040 Subsection (4)(e)(ii)(A), the city may begin or continue construction on the
2041 project.)]
2042 [(d) The department shall, in partnership with the city, conduct a mobility and
2043 environmental impact analysis to determine the impacts of highway reduction
2044 strategies within the study area that the city has implemented on or after July 1, 2015,
2045 or has plans to implement on or before July 1, 2035.)]
2046 [(e) As part of the mobility and environmental impact analysis, the department shall:]
2047 [(i) assess the cumulative impact of each highway reduction strategy within the study
2048 area that the city has implemented or has plans to implement between July 1,
2049 2015, and July 1, 2035; and]
2050 [(ii) consult with relevant stakeholders, including business owners, commuters, and
2051 residents impacted by the highway reduction strategy.)]
2052 [(f) A city subject to a mobility and environmental impact analysis under this Subsection
2053 (4) shall provide to the department any information the department determines
2054 necessary for conducting the mobility and environmental impact analysis, including
2055 any plans that city has adopted or discussed with regards to a highway reduction
2056 strategy.)]
2057 [(g)(i) The department shall provide the mobility and environmental impact analysis
2058 to the Transportation Interim Committee on or before October 15, 2025.)]
2059 [(ii) The city shall provide a response to the mobility and environmental impact
2060 analysis to the Transportation Interim Committee on or before November 1, 2025.)]
2061 [(h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset
2062 review by the Transportation Interim Committee during the 2028 interim.)]
2063 [(ii) The Transportation Interim Committee may also evaluate the mobility plan
2064 process described in this Subsection (4) during the 2027 interim.)]

2065 Section 14. Section **72-1-219** is enacted to read:

2066 **72-1-219 (Effective 05/06/26). Executive director authority during a natural**

2067 **disaster.**

2068 **(1) As used in this section, "natural disaster" means the same as that term is defined in**

2069 Section 63G-6a-803.

2070 (2) Subject to Subsection (3), the executive director may determine priorities and funding
2071 levels of projects and programs in the state transportation systems during and after a
2072 natural disaster.

2073 (3) The executive director may only determine priorities and funding levels of a project or
2074 program as described in Subsection (2) if:

2075 (a) the project or program is necessary to:

2076 (i) repair existing transportation infrastructure that was damaged during the natural
2077 disaster; or

2078 (ii) provide temporary transportation infrastructure or a program that facilitates a
2079 response to the natural disaster;

2080 (b)(i) the commission is unable to meet in a timely manner to approve the priority
2081 and funding level of the projects; and

2082 (ii) the executive director makes reasonable efforts to facilitate a meeting of the
2083 commission;

2084 (c) as soon as practicable, the executive director notifies the governor, Legislature, and
2085 commission of a determination described under Subsection (2); and

2086 (d) the funding approved by the executive director for the project is less than
2087 \$10,000,000.

2088 (4) Following a determination described under Subsection (2), the executive director shall
2089 ensure that any priorities and funding approved by the executive director is placed on the
2090 agenda of the next commission meeting for consideration.

2091 (5) The executive director shall report, as requested by the governor, Legislature, or
2092 commission, regarding any action taken under Subsection (2).

2093 Section 15. Section **72-2-110** is amended to read:

2094 **72-2-110 (Effective 05/06/26). Funds allocated to class B and class C roads --**

2095 **Matching federal funds -- R.S. 2477 rights.**

2096 A county or municipality may:

2097 (1) use funds which are allocated to class B and class C roads for matching federal funds
2098 for the construction of secondary roads now available or which may later become
2099 available in accordance with the provisions of law;[and]

2100 (2) use funds for construction of a park-and-ride facility; and

2101 [2] (3) use up to 30% of the class B and class C road funds allocated to the county or
2102 municipality to:

2103 (a) pay the costs of asserting, defending, or litigating local government rights under R.S.
2104 2477 on class B, class C, or class D roads; or
2105 (b) maintain class D roads.

2106 Section 16. Section **72-2-121** is amended to read:

2107 **72-2-121 (Effective 05/06/26). County of the First Class Highway Projects Fund.**

2108 (1) There is created a special revenue fund within the Transportation Fund known as the
2109 "County of the First Class Highway Projects Fund."
2110 (2) The fund consists of money generated from the following revenue sources:
2111 (a) any voluntary contributions received for new construction, major renovations, and
2112 improvements to highways within a county of the first class;
2113 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
2114 deposited into or transferred to the fund;
2115 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
2116 transferred to the fund;
2117 (d) a portion of the local option highway construction and transportation corridor
2118 preservation fee imposed in a county of the first class under Section 41-1a-1222
2119 deposited into or transferred to the fund; and
2120 (e) the portion of the sales and use tax transferred into the fund as described in
2121 Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
2122 (3)(a) The fund shall earn interest.
2123 (b) All interest earned on fund money shall be deposited into the fund.
2124 (4) Subject to Subsection (11), the executive director shall use the fund money only:
2125 (a) to pay debt service and bond issuance costs for bonds issued under Sections
2126 63B-16-102, 63B-18-402, and 63B-27-102;
2127 (b) for right-of-way acquisition, new construction, major renovations, and improvements
2128 to highways within a county of the first class and to pay any debt service and bond
2129 issuance costs related to those projects, including improvements to a highway located
2130 within a municipality in a county of the first class where the municipality is located
2131 within the boundaries of more than a single county;
2132 (c) for the construction, acquisition, use, maintenance, or operation of:
2133 (i) an active transportation facility for nonmotorized vehicles;
2134 (ii) multimodal transportation that connects an origin with a destination; or
2135 (iii) a facility that may include a:
2136 (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

2171 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund
2172 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),
2173 and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027,
2174 to annually transfer 20%, and beginning with fiscal year 2028, and each year
2175 thereafter for 20 years, to annually transfer 33% of the amount deposited into the
2176 fund under Subsection (2)(b) to the legislative body of a county of the first class for
2177 the following purposes:

- 2178 (i) to fund parking facilities in a county of the first class that facilitate significant
2179 economic development and recreation and tourism within the state; and
- 2180 (ii) to be used for purposes allowed in Section 17-78-702;
- 2181 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for
2182 15 years thereafter, to annually transfer the following amounts to the following cities
2183 and the county of the first class for priority projects to mitigate congestion and
2184 improve transportation safety:
 - 2185 (i) \$2,000,000 to Sandy;
 - 2186 (ii) \$2,300,000 to Taylorsville;
 - 2187 (iii) \$1,100,000 to Salt Lake City;
 - 2188 (iv) \$1,100,000 to West Jordan;
 - 2189 (v) \$1,100,000 to West Valley City;
 - 2190 (vi) \$800,000 to Herriman;
 - 2191 (vii) \$700,000 to Draper;
 - 2192 (viii) \$700,000 to Riverton;
 - 2193 (ix) \$700,000 to South Jordan;
 - 2194 (x) \$500,000 to Bluffdale;
 - 2195 (xi) \$500,000 to Midvale;
 - 2196 (xii) \$500,000 to Millcreek;
 - 2197 (xiii) \$500,000 to Murray;
 - 2198 (xiv) \$400,000 to Cottonwood Heights; and
 - 2199 (xv) \$300,000 to Holladay;
- 2200 (k) for the 2024-25, 2025-26, and 2026-27 fiscal years, and subject to revenue balances
2201 after the distributions under Subsection (4)(j), to reimburse the following
2202 municipalities for the amounts and projects indicated, as each project progresses and
2203 as revenue balances allow:
 - 2204 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from

2239 (xix) \$2,300,000 to West Valley City for a road connecting U-111 at approximately
2240 6200 South, then east and turning north and connecting to 5400 South;
2241 (xx) \$1,400,000 to Magna for improvements to 8000 West between 3500 South to
2242 4100 South;
2243 (xxi) \$1,300,000 to Taylorsville for improvements on 4700 South between Redwood
2244 Road and 2700 West; and
2245 (xxii) \$3,000,000 to West Jordan for improvements to 1300 West between 6600
2246 South and 7800 South; and
2247 (l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay
2248 debt service and bond issuance costs for \$70,000,000 of the bonds issued under
2249 Section 63B-34-201 for the grants awarded under Part 5, Affordable Housing
2250 Infrastructure Grants.

2251 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in
2252 Subsection (4)(j), the executive director shall proportionately reduce the amounts
2253 transferred as described in Subsection (4)(j).

2254 (b) A local government may not use revenue described in Subsection (4)(j) to supplant
2255 existing class B or class C road funds that a local government has budgeted for
2256 transportation projects.

2257 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the
2258 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,
2259 and 63B-27-102 are considered a local matching contribution for the purposes described
2260 under Section 72-2-123.

2261 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as
2262 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as
2263 provided in Part 4, Public Transit Innovation Grants.

2264 (8) The additional administrative costs of the department to administer this fund shall be
2265 paid from money in the fund.

2266 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on
2267 the use or expenditure of the revenue sources deposited into this fund, the Department of
2268 Transportation may use the money in this fund for any of the purposes detailed in
2269 Subsection (4).

2270 (10) Subject to Subsection (11), any revenue deposited into the fund as described in
2271 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,
2272 operations, and supporting infrastructure in the county of the first class.

2273 (11) For the first three years after a county of the first class imposes a sales and use tax
2274 authorized in Section 59-12-2220, revenue deposited into the fund as described in
2275 Subsection (2)(e) shall be allocated as follows:
2276 (a) 10% to the department [to construct] for an express bus facility on 5600 West; and
2277 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section
2278 72-2-302.

2279 (12) A local government that receives an allocation from the fund shall annually provide to
2280 the Transportation and Infrastructure Appropriations Subcommittee a report that
2281 accounts for the money received, how the money has been spent, and the status of each
2282 project for which money was allocated to the local government.

2283 Section 17. Section **72-2-124** is amended to read:

2284 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26). Transportation Investment
2285 Fund of 2005.**

2286 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
2287 2005.

2288 (2) The fund consists of money generated from the following sources:

2289 (a) any voluntary contributions received for the maintenance, construction,
2290 reconstruction, or renovation of state and federal highways;
2291 (b) appropriations made to the fund by the Legislature;
2292 (c) registration fees designated under Section 41-1a-1201;
2293 (d) the sales and use tax revenues deposited into the fund in accordance with Section
2294 59-12-103;
2295 (e) revenues transferred to the fund in accordance with Section 72-2-106;
2296 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
2297 (g) revenue from bond proceeds described in Section 63B-34-101.

2298 (3)(a) The fund shall earn interest.

2299 (b) All interest earned on fund money shall be deposited into the fund.

2300 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
2301 money to pay:

2302 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
2303 federal highways prioritized by the Transportation Commission through the
2304 prioritization process for new transportation capacity projects adopted under
2305 Section 72-1-304;
2306 (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;

2341 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

2342 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197

2343 in Spanish Fork Canyon;

2344 (J) I-15 northbound between mileposts 43 and 56;

2345 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts

2346 43 and 45.1;

2347 (L) east Zion SR-9 improvements;

2348 (M) Toquerville Parkway;

2349 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

2350 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,

2351 for construction of an interchange on Bangerter Highway at 13400 South; and

2352 (P) an environmental impact study for Kimball Junction in Summit County;

2353 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

2354 costs based upon a statement of cash flow that the local jurisdiction where the

2355 project is located provides to the department demonstrating the need for money

2356 for the project, for the following projects in the following amounts:

2357 (A) \$5,000,000 for Payson Main Street repair and replacement;

2358 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

2359 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

2360 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.

2361 40 between mile markers 7 and 10;

2362 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way

2363 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road

2364 over the railroad and to U.S. Highway 6;

2365 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from

2366 revenue deposited into the fund in accordance with Section 59-12-103, for the

2367 following projects:

2368 (A) \$3,000,000 for the department to perform an environmental study for the I-15

2369 Salem and Benjamin project; and

2370 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand

2371 Dunes Road project; and

2372 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of

2373 right-of-way acquisition and construction for improvements on SR-89 in a county

2374 of the first class.

2375 (b) The executive director may use fund money to exchange for an equal or greater
2376 amount of federal transportation funds to be used as provided in Subsection (4)(a).
2377 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
2378 not commence until a right-of-way not owned by a federal agency that is required
2379 for the realignment and extension of U-111, as described in the department's 2023
2380 environmental study related to the project, is dedicated to the department.
2381 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
2382 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
2383 department may proceed with the project, except that the project will be limited to
2384 two lanes on U-111 from Herriman Parkway to 11800 South.

2385 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
2386 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive
2387 director may not program fund money to a project prioritized by the commission
2388 under Section 72-1-304, including fund money from the Transit Transportation
2389 Investment Fund, within the boundaries of the municipality until the department
2390 receives notification from the Housing and Community Development Division within
2391 the Department of Workforce Services that ineligibility under this Subsection (5) no
2392 longer applies to the municipality.

2393 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
2394 director:
2395 (i) may program fund money in accordance with Subsection (4)(a) for a
2396 limited-access facility or interchange connecting limited-access facilities;
2397 (ii) may not program fund money for the construction, reconstruction, or renovation
2398 of an interchange on a limited-access facility;
2399 (iii) may program Transit Transportation Investment Fund money for a
2400 multi-community fixed guideway public transportation project; and
2401 (iv) may not program Transit Transportation Investment Fund money for the
2402 construction, reconstruction, or renovation of a station that is part of a fixed
2403 guideway public transportation project.

2404 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
2405 director before July 1, 2022, for projects prioritized by the commission under Section
2406 72-1-304.

2407 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
2408 ineligibility for a county as described in Subsection 17-80-202(8), the executive

2409 director may not program fund money to a project prioritized by the commission
2410 under Section 72-1-304, including fund money from the Transit Transportation
2411 Investment Fund, within the boundaries of the unincorporated area of the county until
2412 the department receives notification from the Housing and Community Development
2413 Division within the Department of Workforce Services that ineligibility under this
2414 Subsection (6) no longer applies to the county.

2415 (b) Within the boundaries of the unincorporated area of a county described in Subsection
2416 (6)(a), the executive director:

- 2417 (i) may program fund money in accordance with Subsection (4)(a) for a
2418 limited-access facility to a project prioritized by the commission under Section
2419 72-1-304;
- 2420 (ii) may not program fund money for the construction, reconstruction, or renovation
2421 of an interchange on a limited-access facility;
- 2422 (iii) may program Transit Transportation Investment Fund money for a
2423 multi-community fixed guideway public transportation project; and
- 2424 (iv) may not program Transit Transportation Investment Fund money for the
2425 construction, reconstruction, or renovation of a station that is part of a fixed
2426 guideway public transportation project.

2427 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
2428 director before July 1, 2022, for projects prioritized by the commission under Section
2429 72-1-304.

2430 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
2431 any fiscal year, the department and the commission shall appear before the Executive
2432 Appropriations Committee of the Legislature and present the amount of bond
2433 proceeds that the department needs to provide funding for the projects identified in
2434 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
2435 or next fiscal year.

2436 (b) The Executive Appropriations Committee of the Legislature shall review and
2437 comment on the amount of bond proceeds needed to fund the projects.

2438 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
2439 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
2440 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
2441 service or sinking fund.

2442 (9) The executive director may only use money in the fund for corridor preservation as

2443 described in Subsection (4)(a)(iii):

2444 (a) if the project has been prioritized by the commission, including the use of fund
2445 money for corridor preservation; or
2446 (b) for a project that has not been prioritized by the commission, if the commission:
2447 (i) approves the use of fund money for the corridor preservation; and
2448 (ii) finds that the use of fund money for corridor preservation will not result in any
2449 delay to a project that has been prioritized by the commission.

2450 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
2451 Transportation Investment Fund.

2452 (b) The fund shall be funded by:

2453 (i) contributions deposited into the fund in accordance with Section 59-12-103;
2454 (ii) appropriations into the account by the Legislature;
2455 (iii) deposits of sales and use tax increment related to a housing and transit
2456 reinvestment zone as described in Section 63N-3-610;
2457 (iv) transfers of local option sales and use tax revenue as described in Subsection
2458 59-12-2220(11)(b) or (c);
2459 (v) private contributions; and
2460 (vi) donations or grants from public or private entities.

2461 (c)(i) The fund shall earn interest.

2462 (ii) All interest earned on fund money shall be deposited into the fund.

2463 (d) ~~Subject to Subsection (10)(e), the~~ The commission may prioritize money from the
2464 fund:

2465 (i) subject to Subsection (10)(e), for public transit capital development of new
2466 capacity projects and fixed guideway capital development projects to be used as
2467 prioritized by the commission through the prioritization process adopted under
2468 Section 72-1-304;
2469 (ii) to the department for oversight of a fixed guideway capital development project
2470 for which the department has responsibility;[or]
2471 (iii) up to \$500,000 per year, to be used for a public transit study[.]; or
2472 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
2473 term is defined in Section 72-5-401.

2474 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
2475 money from the fund for a public transit capital development project or pedestrian
2476 or nonmotorized transportation project that provides connection to the public

2477 transit system if the public transit district or political subdivision provides funds of
2478 equal to or greater than 30% of the costs needed for the project.

2479 (ii) A public transit district or political subdivision may use money derived from a
2480 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
2481 all or part of the 30% requirement described in Subsection (10)(e)(i) if:

2482 (A) the loan is approved by the commission as required in Part 2, State
2483 Infrastructure Bank Fund; and

2484 (B) the proposed capital project has been prioritized by the commission [pursuant
2485 to] in accordance with Section 72-1-303.

2486 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2487 an agreement for a large public transit district to pay the department \$5,000,000 per
2488 year for 15 years to be used to facilitate the purchase of zero emissions or low
2489 emissions rail engines and trainsets for regional public transit rail systems.

2490 (g) For any revenue transferred into the fund in accordance with Subsection
2491 59-12-2220(11)(b):

2492 (i) the commission may prioritize money from the fund for public transit projects,
2493 operations, or maintenance within the county of the first class; and

2494 (ii) Subsection (10)(e) does not apply.

2495 (h) For any revenue transferred into the fund in accordance with Subsection
2496 59-12-2220(11)(c):

2497 (i) the commission may prioritize public transit projects, operations, or maintenance
2498 in the county from which the revenue was generated; and

2499 (ii) Subsection (10)(e) does not apply.

2500 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
2501 the project described in Subsection (10)(e) does not apply to a public transit capital
2502 development project or pedestrian or nonmotorized transportation project that the
2503 department proposes.

2504 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may
2505 prioritize money from the fund for public transit innovation grants, as defined in
2506 Section 72-2-401, for public transit capital development projects requested by a
2507 political subdivision within a public transit district.

2508 (k) The executive director may only use money in the fund for corridor preservation as
2509 described in Subsection (10)(d)(iv):

2510 (i) if the project has been prioritized by the commission, including the use of fund

money for corridor preservation; or

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

- (A) approves the use of fund money for the corridor preservation; and
- (B) determines 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.

(11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

- (i) money deposited into the fund in accordance with Section 59-12-103;
- (ii) appropriations into the account by the Legislature;
- (iii) private contributions; and
- (iv) donations or grants from public or private entities.

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

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

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

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County

(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:]

2545 [(A) are prioritized by the commission through the prioritization process for new
2546 transportation capacity projects adopted under Section 72-1-304;]
2547 [(B) serve a regional purpose; and]
2548 [(C) are part of an active transportation plan approved by the department or the
2549 plan described in Subsection (12)(d)(ii);]
2550 [(ii) the development of a plan for a statewide network of paved pedestrian or paved
2551 nonmotorized trails that serve a regional purpose; and]
2552 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
2553 Utah trail network projects as prioritized by the commission using the
2554 prioritization process described in Section 72-1-304;
2555 (ii) the development of a plan for the Utah trail network;
2556 (iii) the preservation of future Utah trail network corridor; and
2557 [(iii)] (iv) the administration of the fund, including staff and overhead costs.

2558 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is
2559 defined in Section 63N-3-602.
2560 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
2561 Subaccount.
2562 (c) The subaccount shall be funded by:
2563 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
2564 (ii) appropriations into the subaccount by the Legislature;
2565 (iii) private contributions; and
2566 (iv) donations or grants from public or private entities.

2567 (d)(i) The subaccount shall earn interest.
2568 (ii) All interest earned on money in the subaccount shall be deposited into the
2569 subaccount.
2570 (e) As prioritized by the commission through the prioritization process adopted under
2571 Section 72-1-304 or as directed by the Legislature, the department may only use
2572 money from the subaccount for projects that improve the state's commuter rail
2573 infrastructure, including the building or improvement of grade-separated crossings
2574 between commuter rail lines and public highways.

2575 (f) Appropriations made in accordance with this section are nonlapsing in accordance
2576 with Section 63J-1-602.1.

2577 Section 18. Section **72-2-124** is amended to read:

2578 **72-2-124 (Effective 07/01/26). Transportation Investment Fund of 2005.**

2579 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
2580 2005.

2581 (2) The fund consists of money generated from the following sources:

2582 (a) any voluntary contributions received for the maintenance, construction,
2583 reconstruction, or renovation of state and federal highways;

2584 (b) appropriations made to the fund by the Legislature;

2585 (c) registration fees designated under Section 41-1a-1201;

2586 (d) the sales and use tax revenues deposited into the fund in accordance with Section
2587 59-12-103;

2588 (e) revenues transferred to the fund in accordance with Section 72-2-106;

2589 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and

2590 (g) revenue from bond proceeds described in Section 63B-34-201.

2591 (3)(a) The fund shall earn interest.

2592 (b) All interest earned on fund money shall be deposited into the fund.

2593 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
2594 money to pay:

2595 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
2596 federal highways prioritized by the Transportation Commission through the
2597 prioritization process for new transportation capacity projects adopted under
2598 Section 72-1-304;

2599 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
2600 highway projects described in Subsections 63B-18-401(2), (3), and (4);

2601 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
2602 Section 72-5-401;

2603 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
2604 minus the costs paid from the County of the First Class Highway Projects Fund in
2605 accordance with Subsection 72-2-121(4)(e);

2606 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
2607 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
2608 amount certified by Salt Lake County in accordance with Subsection
2609 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the
2610 revenue bonds issued by Salt Lake County;

2611 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
2612 for projects prioritized in accordance with Section 72-2-125;

2613 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
2614 Class Highway Projects Fund created in Section 72-2-121 to be used for the
2615 purposes described in Section 72-2-121;

2616 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
2617 the costs needed for construction, reconstruction, or renovation of paved
2618 pedestrian or paved nonmotorized transportation for projects that:
2619 (A) mitigate traffic congestion on the state highway system;
2620 (B) are part of an active transportation plan approved by the department; and
2621 (C) are prioritized by the commission through the prioritization process for new
2622 transportation capacity projects adopted under Section 72-1-304;

2623 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
2624 reconstruction, or renovation of or improvement to the following projects:
2625 (A) the connector road between Main Street and 1600 North in the city of
2626 Vineyard;
2627 (B) Geneva Road from University Parkway to 1800 South;
2628 (C) the SR-97 interchange at 5600 South on I-15;
2629 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
2630 South Jordan Parkway;
2631 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
2632 (F) improvements to 1600 North in Orem from 1200 West to State Street;
2633 (G) widening I-15 between mileposts 6 and 8;
2634 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
2635 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
2636 in Spanish Fork Canyon;
2637 (J) I-15 northbound between mileposts 43 and 56;
2638 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
2639 43 and 45.1;
2640 (L) east Zion SR-9 improvements;
2641 (M) Toquerville Parkway;
2642 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
2643 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
2644 for construction of an interchange on Bangerter Highway at 13400 South; and
2645 (P) an environmental impact study for Kimball Junction in Summit County;

2646 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

2647 costs based upon a statement of cash flow that the local jurisdiction where the
2648 project is located provides to the department demonstrating the need for money
2649 for the project, for the following projects in the following amounts:
2650 (A) \$5,000,000 for Payson Main Street repair and replacement;
2651 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
2652 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
2653 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
2654 40 between mile markers 7 and 10;
2655 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way
2656 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road
2657 over the railroad and to U.S. Highway 6;
2658 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
2659 revenue deposited into the fund in accordance with Section 59-12-103, for the
2660 following projects:
2661 (A) \$3,000,000 for the department to perform an environmental study for the I-15
2662 Salem and Benjamin project; and
2663 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
2664 Dunes Road project; and
2665 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
2666 right-of-way acquisition and construction for improvements on SR-89 in a county
2667 of the first class.
2668 (b) The executive director may use fund money to exchange for an equal or greater
2669 amount of federal transportation funds to be used as provided in Subsection (4)(a).
2670 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
2671 not commence until a right-of-way not owned by a federal agency that is required
2672 for the realignment and extension of U-111, as described in the department's 2023
2673 environmental study related to the project, is dedicated to the department.
2674 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
2675 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
2676 department may proceed with the project, except that the project will be limited to
2677 two lanes on U-111 from Herriman Parkway to 11800 South.
2678 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
2679 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive
2680 director may not program fund money to a project prioritized by the commission

2681 under Section 72-1-304, including fund money from the Transit Transportation
2682 Investment Fund, within the boundaries of the municipality until the department
2683 receives notification from the Housing and Community Development Division within
2684 the Department of Workforce Services that ineligibility under this Subsection (5) no
2685 longer applies to the municipality.

2686 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
2687 director:

- 2688 (i) may program fund money in accordance with Subsection (4)(a) for a
2689 limited-access facility or interchange connecting limited-access facilities;
- 2690 (ii) may not program fund money for the construction, reconstruction, or renovation
2691 of an interchange on a limited-access facility;
- 2692 (iii) may program Transit Transportation Investment Fund money for a
2693 multi-community fixed guideway public transportation project; and
- 2694 (iv) may not program Transit Transportation Investment Fund money for the
2695 construction, reconstruction, or renovation of a station that is part of a fixed
2696 guideway public transportation project.

2697 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
2698 director before July 1, 2022, for projects prioritized by the commission under Section
2699 72-1-304.

2700 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of
2701 ineligibility for a county as described in Subsection 17-80-202(8), the executive
2702 director may not program fund money to a project prioritized by the commission
2703 under Section 72-1-304, including fund money from the Transit Transportation
2704 Investment Fund, within the boundaries of the unincorporated area of the county until
2705 the department receives notification from the Housing and Community Development
2706 Division within the Department of Workforce Services that ineligibility under this
2707 Subsection (6) no longer applies to the county.

2708 (b) Within the boundaries of the unincorporated area of a county described in Subsection
2709 (6)(a), the executive director:

- 2710 (i) may program fund money in accordance with Subsection (4)(a) for a
2711 limited-access facility to a project prioritized by the commission under Section
2712 72-1-304;
- 2713 (ii) may not program fund money for the construction, reconstruction, or renovation
2714 of an interchange on a limited-access facility;

2715 (iii) may program Transit Transportation Investment Fund money for a
2716 multi-community fixed guideway public transportation project; and
2717 (iv) may not program Transit Transportation Investment Fund money for the
2718 construction, reconstruction, or renovation of a station that is part of a fixed
2719 guideway public transportation project.

2720 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
2721 director before July 1, 2022, for projects prioritized by the commission under Section
2722 72-1-304.

2723 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
2724 any fiscal year, the department and the commission shall appear before the Executive
2725 Appropriations Committee of the Legislature and present the amount of bond
2726 proceeds that the department needs to provide funding for the projects identified in
2727 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
2728 or next fiscal year.

2729 (b) The Executive Appropriations Committee of the Legislature shall review and
2730 comment on the amount of bond proceeds needed to fund the projects.

2731 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
2732 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
2733 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
2734 service or sinking fund.

2735 (9) The executive director may only use money in the fund for corridor preservation as
2736 described in Subsection (4)(a)(iii):
2737 (a) if the project has been prioritized by the commission, including the use of fund
2738 money for corridor preservation; or
2739 (b) for a project that has not been prioritized by the commission, if the commission:
2740 (i) approves the use of fund money for the corridor preservation; and
2741 (ii) finds that the use of fund money for corridor preservation will not result in any
2742 delay to a project that has been prioritized by the commission.

2743 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
2744 Transportation Investment Fund.
2745 (b) The fund shall be funded by:
2746 (i) contributions deposited into the fund in accordance with Section 59-12-103;
2747 (ii) appropriations into the account by the Legislature;
2748 (iii) deposits of sales and use tax increment related to a housing and transit

2749 reinvestment zone as described in Section 63N-3-610;

2750 (iv) transfers of local option sales and use tax revenue as described in Subsection

2751 59-12-2220(11)(b) or (c);

2752 (v) private contributions; and

2753 (vi) donations or grants from public or private entities.

2754 (c)(i) The fund shall earn interest.

2755 (ii) All interest earned on fund money shall be deposited into the fund.

2756 (d) [Subject to Subsection (10)(e), the] The commission may prioritize money from the
2757 fund:

2758 (i) subject to Subsection (10)(e), for public transit capital development of new
2759 capacity projects and fixed guideway capital development projects to be used as
2760 prioritized by the commission through the prioritization process adopted under
2761 Section 72-1-304;

2762 (ii) to the department for oversight of a fixed guideway capital development project
2763 for which the department has responsibility; or

2764 (iii) up to \$500,000 per year, to be used for a public transit study[.]; or

2765 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
2766 term is defined in Section 72-5-401.

2767 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
2768 money from the fund for a public transit capital development project or pedestrian
2769 or nonmotorized transportation project that provides connection to the public
2770 transit system if the public transit district or political subdivision provides funds of
2771 equal to or greater than 30% of the costs needed for the project.

2772 (ii) A public transit district or political subdivision may use money derived from a
2773 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
2774 all or part of the 30% requirement described in Subsection (10)(e)(i) if:

2775 (A) the loan is approved by the commission as required in Part 2, State
2776 Infrastructure Bank Fund; and

2777 (B) the proposed capital project has been prioritized by the commission [pursuant
2778 to] in accordance with Section 72-1-303.

2779 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2780 an agreement for a large public transit district to pay the department \$5,000,000 per
2781 year for 15 years to be used to facilitate the purchase of zero emissions or low
2782 emissions rail engines and trainsets for regional public transit rail systems.

2783 (g) For any revenue transferred into the fund in accordance with Subsection
2784 59-12-2220(11)(b):
2785 (i) the commission may prioritize money from the fund for public transit projects,
2786 operations, or maintenance within the county of the first class; and
2787 (ii) Subsection (10)(e) does not apply.

2788 (h) For any revenue transferred into the fund in accordance with Subsection
2789 59-12-2220(11)(c):
2790 (i) the commission may prioritize public transit projects, operations, or maintenance
2791 in the county from which the revenue was generated; and
2792 (ii) Subsection (10)(e) does not apply.

2793 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
2794 the project described in Subsection (10)(e) does not apply to a public transit capital
2795 development project or pedestrian or nonmotorized transportation project that the
2796 department proposes.

2797 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may
2798 prioritize money from the fund for public transit innovation grants, as defined in
2799 Section 72-2-401, for public transit capital development projects requested by a
2800 political subdivision within a public transit district.

2801 (k) The executive director may only use money in the fund for corridor preservation as
2802 described in Subsection (10)(d)(iv):
2803 (i) if the project has been prioritized by the commission, including the use of fund
2804 money for corridor preservation; or
2805 (ii) for a project that has not been prioritized by the commission, if the commission:
2806 (A) approves the use of fund money for the corridor preservation; and
2807 (B) determines that the use of fund money for corridor preservation will not result
2808 in any delay to a project that has been prioritized by the commission.

2809 (l)(i) The commission may, beginning July 1, 2026, prioritize up to \$3,000,000 from
2810 the fund to provide bus-replacement funding to one or more public transit
2811 providers that:
2812 (A) have not received funding from the Transit Transportation Investment Fund
2813 for a new project described in Subsection (10)(e)(i) within the previous 36
2814 months; and
2815 (B) are located in a county of the third, fourth, fifth, or sixth class.
2816 (ii) To be eligible for bus-replacement funding under this Subsection (10)(l), the

public transit provider shall provide a local match as follows:

- (A) a 50% local match if the county and municipality in which the public transit provider is located has imposed a total of five of the optional sales and use taxes described in Section 59-12-2203;
- (B) a 60% local match if the county and municipality in which the public transit provider is located has imposed a total of four of the optional sales and use taxes described in Section 59-12-2203; or
- (C) a 70% local match if the county and municipality in which the public transit provider is located has imposed a total of three or fewer of the optional sales and use taxes described in Section 59-12-2203.

¶ The department shall determine a process and deadlines for receiving applications for the bus-replacement funding.

¶ Under this Subsection (10)(l), if total applications for bus-replacement funding exceed \$3,000,000, the commission shall establish a process to prioritize the award of funding.

(11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

- (i) money deposited into the fund in accordance with Section 59-12-103;
- (ii) appropriations into the account by the Legislature;
- (iii) private contributions; and
- (iv) donations or grants from public or private entities.

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

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

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

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(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

2851 Transportation Investment Fund.

2852 (b) The fund shall be funded by:

2853 (i) money deposited into the fund in accordance with Section 59-12-103;

2854 (ii) appropriations into the account by the Legislature; and

2855 (iii) donations or grants from public or private entities.

2856 (c)(i) The fund shall earn interest.

2857 (ii) All interest earned on fund money shall be deposited into the fund.

2858 (d) The executive director may only use fund money to pay the costs needed for:

2859 [(i) ~~the planning, design, construction, maintenance, reconstruction, or renovation of~~
2860 ~~paved pedestrian or paved nonmotorized trail projects that:~~]

2861 [(A) ~~are prioritized by the commission through the prioritization process for new~~
2862 ~~transportation capacity projects adopted under Section 72-1-304;~~]

2863 [(B) ~~serve a regional purpose; and~~]

2864 [(C) ~~are part of an active transportation plan approved by the department or the~~
2865 ~~plan described in Subsection (12)(d)(ii);~~]

2866 [(ii) ~~the development of a plan for a statewide network of paved pedestrian or paved~~
2867 ~~nonmotorized trails that serve a regional purpose; and~~]

2868 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
2869 Utah trail network projects as prioritized by the commission using the
2870 prioritization process described in Section 72-1-304;

2871 (ii) the development of a plan for the Utah trail network;

2872 (iii) the preservation of future Utah trail network corridor; and

2873 [(iii)] (iv) the administration of the fund, including staff and overhead costs.

2874 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is
2875 defined in Section 63N-3-602.

2876 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
2877 Subaccount.

2878 (c) The subaccount shall be funded by:

2879 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;

2880 (ii) appropriations into the subaccount by the Legislature;

2881 (iii) private contributions; and

2882 (iv) donations or grants from public or private entities.

2883 (d)(i) The subaccount shall earn interest.

2884 (ii) All interest earned on money in the subaccount shall be deposited into the

2885 subaccount.

2886 (e) As prioritized by the commission through the prioritization process adopted under
2887 Section 72-1-304 or as directed by the Legislature, the department may only use
2888 money from the subaccount for projects that improve the state's commuter rail
2889 infrastructure, including the building or improvement of grade-separated crossings
2890 between commuter rail lines and public highways.

2891 (f) Appropriations made in accordance with this section are nonlapsing in accordance
2892 with Section 63J-1-602.1.

2893 Section 19. Section **72-2-131** is amended to read:

2894 **72-2-131 (Effective 05/06/26). Rail Transportation Subaccount -- Grants for
2895 railroad crossing safety.**

2896 (1) As used in this section, "eligible entity" means:

2897 (a) a public entity, as defined in Section 72-2-301; or
2898 (b) a private entity that is exempt from federal income taxation under Section 501(c)(3),
2899 Internal Revenue Code.

2900 (2) There is created in the Transit Transportation Investment Fund, created in Section
2901 72-2-124, the Rail Transportation Subaccount.

2902 (3) The subaccount shall be funded by:

2903 (a) appropriations to the subaccount by the Legislature;
2904 (b) private contributions;
2905 (c) donations or grants from public or private entities; and
2906 (d) interest earned on money in the account.

2907 (4) Upon appropriation, the department shall:

2908 (a) use an amount equal to 10% of the money deposited into the subaccount to provide
2909 grants in accordance with Subsection (5);
2910 (b) use an amount equal to 10% of the money deposited into the subaccount to pay:
2911 (i) the costs of performing environmental impact studies in connection with
2912 construction, reconstruction, or renovation projects related to railroad crossings on
2913 class A, class B, or class C roads; or
2914 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued
2915 under Subsection 63B-31-101(6); and
2916 (c) use the remaining money deposited into the subaccount to pay:
2917 (i) the costs of construction, reconstruction, or renovation projects related to:
2918 (A) railroad crossings on class A, class B, or class C roads; or

(B) railroad infrastructure damaged or impacted by erosion on land owned by the state;

- (ii) debt service related to a project described in Subsection (4)(b);
- (iii) the appropriate debt service or sinking fund for the repayment of bonds issued under Subsection 63B-31-101(5); or
- (iv) ongoing maintenance costs of at-grade crossings between rail lines and public highways.

(5)(a) The department may award grants to one or more eligible entities to be used for the purpose of improving safety at railroad crossings on class A, class B, or class C roads.

(b) An eligible entity may use grant money for any expense related to improving safety at railroad crossings on class A, class B, or class C roads, including:

- (i) signage; and
- (ii) safety enhancements to a railroad crossing.

(c) The department shall prioritize, in the following order, grants to applicants that propose projects impacting railroad crossings that:

- (i) have demonstrated safety concerns, including emergency services access; and
- (ii) have high levels of vehicular and pedestrian traffic.

Section 20. 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.

2953 (5) "Publicly owned infrastructure project" means a project to improve sewer or water
2954 infrastructure that is owned by a public entity.

2955 (6) "Transportation project":

2956 (a) means a project:

2957 (i) to improve a state or local highway;

2958 (ii) to improve a public transportation facility or nonmotorized transportation facility;

2959 (iii) to construct or improve parking facilities;

2960 (iv) that is subject to a transportation reinvestment zone agreement [pursuant to] in
2961 accordance with Section 11-13-227 if the state is party to the agreement; or

2962 (v) that is part of a housing and transit reinvestment zone created [pursuant to] in
2963 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment
2964 Zone Act;

2965 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,
2966 equipping, and fixturing; and

2967 (c) may only include a project if the project is part of:

2968 (i) the statewide long range plan;

2969 (ii) a regional transportation plan of the area metropolitan planning organization if a
2970 metropolitan planning organization exists for the area; or

2971 (iii) a local government general plan or economic development initiative.

2972 Section 21. Section **72-2-301** is amended to read:

2973 **72-2-301 (Effective 05/06/26). Definitions.**

2974 As used in this part:

2975 (1) "Fund" means the County of the First Class Infrastructure Bank Fund created under
2976 Section [72-2-402] 72-2-302.

2977 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,
2978 to provide financial assistance for transportation projects or publicly owned
2979 infrastructure projects, including:

2980 (a) capital reserves and other security for bond or debt instrument financing; or

2981 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a
2982 public entity to finance transportation projects.

2983 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or
2984 publicly owned infrastructure project.

2985 (4) "Public entity" means a county of the first class or any of the following located within a
2986 county of the first class:

2987 (a) a municipality;

2988 (b) an independent entity, as defined in Section 63E-1-102;

2989 [(b)] (c) a special district;

2990 [(e)] (d) a special service district; or

2991 [(d)] (e) an intergovernmental entity organized under state law.

2992 (5) "Publicly owned infrastructure project" means a project to improve sewer or water

2993 infrastructure that is owned by a public entity.

2994 (6)(a) "Transportation project" means a project:

2995 [(a)] (i) to improve a state or local highway;

2996 [(b)] (ii) to improve a public transportation facility or nonmotorized transportation

2997 facility;

2998 [(e)] (iii) to construct or improve parking facilities;

2999 [(d)] (iv) that is subject to a transportation reinvestment zone agreement [pursuant to]

3000 in accordance with Section 11-13-227 if the state is party to the agreement; or

3001 [(e)] (v) that is part of a housing and transit reinvestment zone created [pursuant to] in

3002 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment

3003 Zone Act.

3004 [(7)] (b) "Transportation project" includes the costs of acquisition, construction,

3005 reconstruction, rehabilitation, equipping, and fixturing.

3006 [(8)] (c) "Transportation project" may only include a project if the project is part of:

3007 [(a)] (i) the statewide long range plan;

3008 [(b)] (ii) a regional transportation plan of the area metropolitan planning organization

3009 if a metropolitan planning organization exists for the area; or

3010 [(e)] (iii) a local government general plan or economic development initiative.

3011 Section 22. Section **72-5-102** is amended to read:

3012 **72-5-102 (Effective 05/06/26). Definitions.**

3013 As used in this part, "state transportation purposes" includes:

3014 (1) highway, public transit facility, and transportation rights-of-way, including those

3015 necessary within cities and towns;

3016 (2) the construction, reconstruction, relocation, improvement, maintenance, and mitigation

3017 from the effects of these activities on state highways and other transportation facilities,

3018 including parking facilities, under the control of the department;

3019 (3) limited access facilities, including rights of access, air, light, and view and frontage and

3020 service roads to highways;

3021 (4) adequate drainage in connection with any highway, cut, fill, or channel change and the
3022 maintenance of any highway, cut, fill, or channel change;

3023 (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or
3024 construction sites;

3025 (6) road material sites, sites for the manufacture of road materials, and access roads to the
3026 sites;

3027 (7) the maintenance of an unobstructed view of any portion of a highway to promote the
3028 safety of the traveling public;

3029 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,
3030 barriers, and obstructions for the convenience of the traveling public;

3031 (9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;

3032 (10) the construction and maintenance of livestock highways;

3033 (11) the construction and maintenance of roadside rest areas adjacent to or near any
3034 highway;[~~and~~]
3035 (12) the mitigation of impacts from transportation projects~~[.]~~ ; and
3036 (13) any other transportation purpose for which the department has responsibility under this
3037 title.

3038 Section 23. Section **72-6-120** is amended to read:

3039 **72-6-120 (Effective 05/06/26). Department authorized to participate in federal**
3040 **program assuming responsibility for environmental review of transportation projects --**
3041 **Rulemaking authority.**

3042 (1) The department may:

3043 (a) assume responsibilities under 23 U.S.C. Sec. 326 for:
3044 (i) determining whether [state highway] transportation design and construction
3045 projects are categorically excluded from requirements for environmental
3046 assessments or environmental impact statements; and
3047 (ii) environmental review, consultation, or other actions required under federal law
3048 for categorically excluded projects;

3049 (b) assume responsibilities under 23 U.S.C. Sec. 327 with respect to one or more
3050 railroad, public transportation, highway, or multimodal projects within the state under
3051 the National Environmental Policy Act of 1969 for environmental review,
3052 consultation, or other action required under any federal environmental law pertaining
3053 to the review or approval of a specific [highway] transportation project;

3054 (c) enter one or more memoranda of understanding with the United States Department of

3055 Transportation related to [federal highway] transportation programs as provided in 23
3056 U.S.C. Secs. 326 and 327 subject to the requirements of Subsection 72-1-207(5);

3057 (d) accept, receive, and administer grants, other money, or gifts from public and private
3058 agencies, including the federal government, for the purpose of carrying out the
3059 programs authorized under this section; and
3060 (e) cooperate with the federal government in implementing this section and any
3061 memorandum of understanding entered into under Subsection 72-1-207(5).

3062 (2) Notwithstanding any other provision of law, in implementing a program under this
3063 section that is approved by the United States Department of Transportation, the
3064 department is authorized to:

3065 (a) perform or conduct any of the activities described in a memorandum of
3066 understanding entered into under Subsection 72-1-207(5);
3067 (b) take actions necessary to implement the program; and
3068 (c) adopt relevant federal environmental standards as the standards for this state for
3069 categorically excluded projects.

3070 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3071 department may make rules to implement the provisions of this section.

3072 Section 24. Section **72-9-604** is amended to read:

3073 **72-9-604 (Effective 05/06/26). Preemption of local authorities -- Tow trucks.**

3074 (1) As used in this section:

3075 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described
3076 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard
3077 motor does not, within 30 days after the day on which notice is issued that the
3078 vehicle, vessel, or outboard motor was towed by a towing entity:
3079 (i) pay the relevant fees; and
3080 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

3081 (b) "Towing dispatch vendor" means the same as that term is defined in Section
3082 53-1-106.2.

3083 [b] (c) "Towing entity" means:

3084 (i) a political subdivision of this state;
3085 (ii) a state agency;
3086 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation
3087 Act; or
3088 (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] not enact [nor] or 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 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).

3123 (b) A county or municipality that requires [the-] an additional annual safety inspection
3124 shall accept the same inspection performed by another county or municipality.

3125 (7)[(a)(i) If a towing entity uses a towing dispatch vendor described in Section
3126 53-1-106.2, the towing entity may charge a fee to cover costs associated with the
3127 use of a dispatch vendor as described in Section 53-1-106.2.]

3128 [(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may
3129 not exceed the actual costs of the dispatch vendor contracted to provide the
3130 dispatch service.]

3131 [(b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a
3132 towing dispatch vendor described in Section 53-1-106.2, the towing entity may
3133 not charge a fee to cover costs associated with providing towing dispatch and
3134 rotation service.]

3135 [(ii) A special service district created under Title 17D, Chapter 1, Special Service
3136 District Act, that charges a dispatch fee on or before January 1, 2023, may
3137 continue to charge a fee related to dispatch costs.]

3138 [(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)
3139 may not exceed an amount reasonably reflective to the actual costs of providing
3140 the towing dispatch and rotation service.]

3141 [(e) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)
3142 unless the relevant governing body of the towing entity has approved the fee amount.]

3143 (a) A towing entity may charge a fee to cover costs associated with dispatching for
3144 towing operations.

3145 (b) The fee described in Subsection (7)(a) may not exceed 50% of the administrative fee
3146 described in Subsection 72-9-603(16)(d).

3147 [(d)] (c) In addition to fees set by the department in rules made in accordance with
3148 Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass
3149 through a fee described in this Subsection (7) to owners, lien holders, or insurance
3150 providers of towed vehicles, vessels, or outboard motors.

3151 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow
3152 truck motor carrier may charge an additional fee to absorb unrecovered costs of
3153 abandoned vehicles related to the fees described in [Subsections (7)(a)(i) and
3154 (7)(b)(ii)] Subsection (7)(a).

3155 (b) [Beginning May 3, 2023, and ending on June 30, 2025, a] A tow truck operator or
3156 tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount

3157 not to exceed an amount greater than [25% of the relevant] 40% of the fee described
3158 in Subsection [(7)(a)(i) or (7)(b)(ii)] (7)(a).

3159 [(e)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
3160 based on data provided by the State Tax Commission, determine the percentage of
3161 vehicles, vessels, or outboard motors that were abandoned during the previous
3162 year by:]

3163 [(A) determining the total number of vehicles, vessels, or outboard motors that
3164 were towed as part of a towing entity's towing rotation during the previous
3165 calendar year that were also abandoned; and]

3166 [(B) dividing the number described in Subsection (8)(e)(i)(A) by the total number
3167 of vehicles, vessels, or outboard motors that were towed as part of the towing
3168 entity's towing rotation during the previous calendar year.]

3169 [(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
3170 publish:]

3171 [(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and]
3172 [(B) the percentage described in Subsection (8)(e)(i).]

3173 [(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a
3174 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an
3175 amount equal to the percentage described in Subsection (8)(e)(i) multiplied by the
3176 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).]

3177 [(d)] (c) A tow truck operator or tow truck motor carrier shall list on a separate line on
3178 the towing invoice any fee described in this Subsection (8).

3179 (9) A towing entity may not require a tow truck operator who has received an authorized
3180 towing certificate from the department to submit additional criminal background check
3181 information for inclusion of the tow truck motor carrier on a rotation.

3182 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
3183 operator that responds may not respond to the location in a tow truck that is owned by a
3184 tow truck motor carrier that is different than the tow truck motor carrier that was
3185 dispatched.

3186 (11) If a towing entity receives a notice from the department as described in Subsection
3187 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing
3188 entity's towing rotation, contract, or request for proposal as provided in the notice from
3189 the department.

3190 (12) A towing entity may not contract with a towing dispatch vendor that requires a tow

3191 truck motor carrier or tow truck operator to manipulate a wireless communication device
3192 in violation of Section 41-6a-1716.

3193 (13) A towing entity may require a tow truck motor carrier, or tow truck operator to enter
3194 the following into a database controlled by the towing dispatch vendor:
3195 (a) information about the vehicle, vessel, or outboard motor that is the subject of the tow;
3196 (b) information about the owner of the vehicle, vessel, or outboard motor that is the
3197 subject of the tow; and
3198 (c) other information about the circumstances and timing of the towing operation.

3199 (14) If a towing dispatch vendor that receives from a towing entity, tow truck motor carrier,
3200 or tow truck operator any personal or other information about the owner of a vehicle that
3201 is the subject of the towing dispatch service, the towing dispatch vendor may not:
3202 (a) share the personal information with a third party;
3203 (b) sell the personal information to a third party;
3204 (c) use the information for any purpose other than dispatching for the tow or removal; or
3205 (d) retain the information longer than the administrative need to execute the towing
3206 dispatch service.

3207 Section 25. Section **72-19-401** is amended to read:

3208 **72-19-401 (Effective 05/06/26). Creation of Broadband Equity Access and**
3209 **Deployment Grant Program.**

3210 (1) There is established a grant program known as the Broadband Equity Access and
3211 Deployment Grant Program that is administered by the broadband center in accordance
3212 with:
3213 (a) this part; and
3214 (b) the requirements of the National Telecommunications and Information
3215 Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec.
3216 1702 et seq.

3217 (2) The broadband center shall:
3218 (a) prepare and submit the state's Broadband Equity Access and Deployment application,
3219 including the letter of intent, initial proposal, and final proposal to the National
3220 Telecommunications and Information Administration;
3221 (b) administer the Broadband Equity Access and Deployment Grant Program in
3222 accordance with this section and as approved by the National Telecommunications
3223 and Information Administration;
3224 (c) accept and process an application for subgranted funds; and

3225 (d) ensure that a subgrantee complies with the state's final proposal to the National
3226 Telecommunications and Information Administration.

3227 (3) The department, in coordination with the broadband center, may make rules in
3228 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
3229 administer the grant program.

3230 (4) The broadband center may approve an application for subgranted funds if:

3231 (a) the application meets the requirements of this section;

3232 (b) the application meets any rule made ~~[pursuant to]~~ in accordance with this section;

3233 (c) the application meets the requirements of the National Telecommunications and
3234 Information Administration's Broadband Equity Access and Deployment Program, 47
3235 U.S.C. Sec. 1702 et seq.; and

3236 (d) the broadband center has informed the Transportation Commission about the
3237 application described in Subsection (2)(c).

3238 (5) After the broadband center completes a competitive application process for subgranted
3239 funds~~[but before the broadband center notifies the applicant of the award]~~, the
3240 broadband center shall present to the Transportation Commission on the subgrant award.

3241 Section 26. 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:

3243 (1) "City" means Salt Lake City.

3244 (2) "Critical capacity routes map" means the map adopted by the city designating roadways
3245 by tiers to preserve motor vehicle capacity as described in the city's transportation plans.

3246 (3) "Highway reduction strategy" means a strategy that:

3247 (a) has the potential to permanently decrease the number of vehicles that can travel on an
3248 arterial or a collector highway per hour, including:

3249 (i) reducing the number of motorized vehicle travel lanes on an arterial or collector
3250 highway;

3251 (ii) narrowing existing motorized vehicle travel lanes on an arterial or collector
3252 highway; or

3253 (iii) any other strategy that when implemented may reasonably be expected to
3254 increase congestion or impede traffic flow for motor vehicles driving on an
3255 arterial or collector highway; or

3256 (b) has the potential to permanently reduce the availability of on-street parking.

3259 (4) "Study area" means the area within Salt Lake City that is west of Foothill Drive, east of
3260 Redwood Road, south of 600 North, and extends to the southern boundary of the city.
3261 (5) "Tier four road" means a low-volume, residential or similar road.
3262 (6) "Tier one road" means a regionally significant transportation facility.
3263 (7) "Tier three road" means a low-priority, low-volume street with minimal regional
3264 significance within the transportation network.
3265 (8) "Tier two road" means a corridor important to the transportation network but not
3266 designed or anticipated to carry as much motor vehicle volume as a tier one road.
3267 (9) "Traffic calming measures" means permanent physical or regulatory measures intended
3268 to reduce vehicle speeds or volumes on roadways.

3269 Section 27. Section **72-20-102** is enacted to read:

3270 **72-20-102 (Effective 05/06/26). Adoption and codification of critical capacity
3271 routes map -- Agreement.**

3272 (1) On or before January 1, 2027, the city shall:

3273 (a) enter into an agreement with the department that:

3274 (i) identifies and designates each road within the city as a tier one, tier two, tier three,
3275 or tier four road;

3276 (ii) designates regionally significant highways within the city boundaries as tier one
3277 roads for which, except as provided in Subsection (2)(a), the city may not
3278 implement a project that includes a highway reduction strategy;

3279 (iii) designates highways within the city boundaries as tier two roads for which the
3280 city may implement a project that includes a highway reduction strategy only after
3281 the city:

3282 (A) completes a thorough data collection and impact analysis;

3283 (B) completes a thorough community and business engagement campaign that
3284 includes engagement with key stakeholders; and

3285 (C) receives approval for the project by the department;

3286 (iv) designates highways within the city boundaries as tier three roads for which the
3287 city may implement a project that includes a highway reduction strategy as
3288 determined necessary by the city, consistent with the terms of the agreement; and

3289 (v) includes plans and timelines for the city to mitigate the impacts of traffic calming
3290 measures and highway reduction strategies previously implemented, including on
3291 the following highways:

3292 (A) 300 West from 400 South to 900 South;

3293 (B) 200 South from 300 West to 300 East; and

3294 (C) 400 South from West Temple to Interstate 15; and

3295 (b) adopt and codify a critical capacity routes map into the city's transportation plans and
3296 ordinances.

3297 (2)(a)(i) The agreement described in Subsection (1)(a) may allow for implementation
3298 of one or more safety improvements on a tier one highway described in
3299 Subsection (1)(a)(ii), if the safety improvements are primarily intended to enhance
3300 the safety of all roadway users and do not materially reduce travel capacity or the
3301 number of motorized vehicle travel lanes.

3302 (ii) Before implementing a safety improvement under this Subsection (2), the city
3303 shall:
3304 (A) complete a thorough data collection and impact analysis;
3305 (B) complete a thorough community and business engagement campaign that
3306 includes engagement with key stakeholders; and
3307 (C) receive approval for the project from the department.

3308 (b)(i) Where possible, the city shall maintain the width of a vehicle travel lane on a
3309 tier one road and tier two road at a width of at least 11 feet.

3310 (ii) The city may not implement a highway reduction strategy on a tier three road that
3311 permanently reduces the width of a highway lane below 10 feet.
3312 (iii) The department may reject a proposed highway reduction strategy on a tier one
3313 road or tier two road that, in the department's discretion, is not in the best interest
3314 of traffic management, flow, or safety.

3315 (c)(i) Before the city may reduce parking by three or more parking stalls on a block
3316 face of a tier one or tier two road, the city shall:

3317 (A) engage with the stakeholders in the immediate vicinity of the block face to
3318 assess potential impacts and alternatives; and
3319 (B) inform the department if the stakeholder engagement described in Subsection
3320 (2)(c)(i)(A) results in a determination to reduce parking by three or more stalls.

3321 (ii) In determining whether a strategy has the potential to permanently impact
3322 availability and accessibility to on-street parking:
3323 (A) a parking fee or hour restriction is not considered a permanent reduction of
3324 parking stalls on a block face; and
3325 (B) if a strategy that reduces on-street parking provides additional parking due to
3326 construction or access to a new parking structure, the proposed project is not

considered a reduction in on-street parking if the aggregate availability of parking does not decrease.

(iii) The city shall follow the requirements and guidelines of the agreement described in Subsection (1)(a) with regard to permanent parking reduction.

(d) To develop the plan for mitigation described in Subsection (1)(a)(v), the city:

(i) may engage and consult with stakeholders and the department to assess potential impacts and alternatives; and

(ii) shall obtain approval from the department of the proposed plan for each highway.

(3)(a) On or before November 30, 2027, and annually thereafter, the city, in consultation with the department, shall provide a written report to the Transportation Interim Committee with an update on the agreement and the status of highway reduction strategies and projects.

(b) On or before November 30, 2028, the Transportation Interim Committee shall review the reports required in Subsection (3)(a) and determine whether the report should continue.

(4) The city may exercise the city's discretion with regard to any tier four road.

(5) The city shall publish the critical capacity routes map on the city website.

(6) The city mayor and the executive director shall sign and approve the agreement.

Section 28. Effective Date.

(1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

(2) The actions affecting the following sections take effect on July 1, 2026:

(a) Section 59-12-104 (Effective 07/01/26)

(b) Section 59-12-2220 (Effective 07/01/26); and

(c) Section 72-2-124 (Effective 07/01/26).