

Wayne A. Harper proposes the following substitute bill:

**Transportation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ allows a political subdivision to prohibit a mobile business from operating on a street or sidewalk that is temporarily closed for certain events;
- ▶ requires commercial electric vehicles with a gross weight of 6,001 pounds or more to pay a road usage charge with a higher road usage charge cap;
- ▶ exempts buses operating on the bus's planned route to temporarily cross lane lines to stop at a bus stop;
- ▶ exempts the Department of Transportation from certain requirements related to receiving a conveyance of real property;
- ▶ provides a sales tax exemption for construction materials purchased by the Department of Transportation for certain public transit capital development projects;
- ▶ amends certain allowed uses of local option sales taxes for transportation;
- ▶ increases bonding authorization related to commuter rail expansion;
- ▶ defines the Utah trail network;
- ▶ delegates certain authority to the executive director of the Department of Transportation during a natural disaster;
- ▶ requires local governments that receive funds from the County of the First Class Highway Projects Fund to report on the expenditure of funds and the progress of projects;
- ▶ allows the Transportation Commission to prioritize the use of Transit Transportation Investment Fund revenue for corridor preservation purposes and provides parameters for the use of the revenue;

- 29           ▸ amends certain allocations of revenue from the County of the First Class Highway  
30 Projects Fund;
- 31           ▸ allows certain rail road transportation funds to be used to repair tracks and rail  
32 infrastructure located on state lands;
- 33           ▸ allows the Department of Transportation to waive sovereign immunity for public transit  
34 projects;
- 35           ▸ amends the definition of "state transportation purposes";
- 36           ▸ amends provisions related to the ability to charge towing dispatch service fees and pass  
37 through a reasonable towing dispatch service fee;
- 38           ▸ amends towing provisions related to release of a vehicle to the owner and information  
39 entered into the database of a towing dispatch vendor;
- 40           ▸ repeals the study required by the Department of Transportation and Salt Lake City  
41 regarding highway reduction strategies;
- 42           ▸ codifies certain requirements based on the findings and results of the study on highway  
43 reduction strategies; and
- 44           ▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

45 None

**Other Special Clauses:**

46 This bill provides a special effective date.

**Utah Code Sections Affected:**

47 AMENDS:

48 **11-56-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 450

49 **41-1a-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294

50 **41-1a-1206 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 215,  
51 279

52 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws  
53 of Utah 2025, Chapter 527

54 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws  
55 of Utah 2025, Chapter 378

56 **53-1-106.2 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2023,  
57 Chapter 219

58 **57-1-48 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 399

59 **59-12-104 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special  
60

63 Session, Chapter 17  
64 **59-12-2220 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special  
65 Session, Chapter 15  
66 **63B-31-101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452  
67 **63I-1-272 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 391  
68 **72-1-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 373  
69 **72-1-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 22, 219  
70 **72-1-207 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 144  
71 **72-1-213.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452  
72 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of  
73 Utah 2025, Chapter 452  
74 **72-2-110 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Second Special  
75 Session, Chapter 8  
76 **72-2-121 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
77 Session, Chapter 17  
78 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26)**, as last amended by Laws of Utah  
79 2025, First Special Session, Chapter 15  
80 **72-2-124 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, First Special  
81 Session, Chapter 15  
82 **72-2-131 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 531  
83 **72-2-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 16  
84 **72-2-301 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Chapter 501  
85 **72-2-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 502  
86 **72-5-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 22  
87 **72-6-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 424  
88 **72-9-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 457  
89 **72-9-602 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378  
90 **72-9-603 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378  
91 **72-9-604 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378  
92 **72-19-401 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
93 Chapter 512

## 94 ENACTS:

95 **72-1-219 (Effective 05/06/26)**, Utah Code Annotated 1953  
96 **72-20-101 (Effective 05/06/26)**, Utah Code Annotated 1953

97 **72-20-102 (Effective 05/06/26)**, Utah Code Annotated 1953

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

100 Section 1. Section **11-56-106** is amended to read:

101 **11-56-106 (Effective 05/06/26). Mobile business operation.**

102 (1) [ A] Except as provided in Subsection (2), a political subdivision may not:

103 [(1)] (a) entirely or constructively prohibit mobile businesses in a zone in which a food  
104 establishment is a permitted or conditional use;

105 [(2)] (b) prohibit the operation of a food truck within a given distance of a restaurant;

106 [(3)] (c) restrict the total number of days a mobile business may operate within the  
107 political subdivision during a calendar year;

108 [(4)] (d) require a mobile business to:

109 [(a)] (i) provide to the political subdivision:

110 [(i)] (A) a site plan for each location in which a mobile business operates in the  
111 public right of way, if the political subdivision permits mobile businesses in the  
112 public right of way; or

113 [(ii)] (B) the date, time, or duration that a mobile business will operate within the  
114 political subdivision; or

115 [(b)] (ii) obtain and pay for a land use permit for each location and time during which  
116 a mobile business operates; or

117 [(5)] (e) if a mobile business has the consent of a private property owner to operate on  
118 the private property:

119 [(a)] (i) limit the number of days the mobile business may operate on the private  
120 property;

121 [(b)] (ii) require that the mobile business provide to the political subdivision or keep  
122 on file in the mobile business the private property owner's written consent; or

123 [(c)] (iii) require a site plan for the operation of the mobile business on the private  
124 property where the mobile business operates in the same location for less than 10  
125 hours per week.

126 (2) A political subdivision may prohibit a mobile business on a street or the sidewalk  
127 abutting a street that is temporarily closed by the political subdivision for a temporary  
128 mass gathering or other special event.

129 Section 2. Section **41-1a-202** is amended to read:

130 **41-1a-202 (Effective 05/06/26). Definitions -- Vehicles exempt from registration**

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

132 (1) As used in this section:

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

134 (b) "Domicile" means the place:

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

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

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

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

140 (A) an individual who:

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

142 (II) regardless of domicile, remains in this state for an aggregate period of six  
143 months or more during any calendar year;144 (III) engages in a trade, profession, or occupation in this state or who accepts  
145 employment in other than seasonal work in this state and who does not  
146 commute into the state;147 (IV) declares himself to be a resident of this state for the purpose of obtaining a  
148 driver license or motor vehicle registration; or149 (V) declares himself a resident of Utah to obtain privileges not ordinarily  
150 extended to nonresidents, including going to school, or placing children in  
151 school without paying nonresident tuition or fees; or152 (B) any individual, partnership, limited liability company, firm, corporation,  
153 association, or other entity that:154 (I) maintains a main office, branch office, or warehouse facility in this state  
155 and that bases and operates a motor vehicle in this state; or156 (II) operates a motor vehicle in intrastate transportation for other than seasonal  
157 work.

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

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

160 (B) an out-of-state student, as classified by the institution of higher education,  
161 enrolled with the equivalent of seven or more quarter hours, regardless of  
162 whether the student engages in a trade, profession, or occupation in this state or  
163 accepts employment in this state; and

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

- 165 (I) is engaged in public, charitable, educational, or religious services for a  
166 government agency or an organization that qualifies for tax-exempt status  
167 under Internal Revenue Code Section 501(c)(3);
- 168 (II) is not compensated for services rendered other than expense  
169 reimbursements; and
- 170 (III) is temporarily in Utah for a period not to exceed 24 months.
- 171 (iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a  
172 vehicle equipped with an automated driving system as defined in Section  
173 41-26-102.1 if the vehicle is physically present in the state for more than 30  
174 consecutive days in a calendar year.
- 175 (2)(a) Registration under this chapter is not required for any:
- 176 (i) vehicle registered in another state and owned by a nonresident of the state or  
177 operating under a temporary registration permit issued by the division or a dealer  
178 authorized by this chapter, driven or moved upon a highway in conformance with  
179 the provisions of this chapter relating to manufacturers, transporters, dealers, lien  
180 holders, or interstate vehicles;
- 181 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the  
182 highway from one property to another;
- 183 (iii) implement of husbandry, whether of a type otherwise subject to registration or  
184 not, that is only incidentally operated or moved upon a highway;
- 185 (iv) special mobile equipment;
- 186 (v) vehicle owned or leased by the federal government;
- 187 (vi) motor vehicle not designed, used, or maintained for the transportation of  
188 passengers for hire or for the transportation of property if the motor vehicle is  
189 registered in another state and is owned and operated by a nonresident of this state;
- 190 (vii) vehicle or combination of vehicles designed, used, or maintained for the  
191 transportation of persons for hire or for the transportation of property if the  
192 vehicle or combination of vehicles is registered in another state and is owned and  
193 operated by a nonresident of this state and if the vehicle or combination of  
194 vehicles has a gross laden weight of 26,000 pounds or less;
- 195 (viii) trailer of 750 pounds or less unladen weight and not designed, used, and  
196 maintained for hire for the transportation of property or person;
- 197 (ix) single-axle trailer unless that trailer is:
- 198 (A) a commercial vehicle;

- 199 (B) a trailer designed, used, and maintained for hire for the transportation of  
 200 property or person; or
- 201 (C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more  
 202 laden weight;
- 203 (x) manufactured home or mobile home;
- 204 (xi) off-highway vehicle currently registered under Section 41-22-3 if the  
 205 off-highway vehicle is:
- 206 (A) being towed;
- 207 (B) operated on a street or highway designated as open to off-highway vehicle  
 208 use; or
- 209 (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
- 210 (xii) off-highway implement of husbandry operated in the manner prescribed in  
 211 Subsections 41-22-5.5(3) through (5);
- 212 (xiii) modular and prebuilt homes conforming to the uniform building code and  
 213 presently regulated by the United States Department of Housing and Urban  
 214 Development that are not constructed on a permanent chassis;
- 215 (xiv) electric assisted bicycle defined under Section 41-6a-102;
- 216 (xv) motor assisted scooter defined under Section 41-6a-102; or
- 217 (xvi) electric personal assistive mobility device defined under Section 41-6a-102.
- 218 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),  
 219 incidental operation on a highway includes operation that is:
- 220 (i) transportation of raw agricultural materials or other agricultural related operations;  
 221 and
- 222 (ii) limited to 100 miles round trip on a highway.
- 223 (3)(a) Unless otherwise exempted under Subsection (2), registration under this chapter is  
 224 required for any motor vehicle, combination of vehicles, trailer, semitrailer, vintage  
 225 vehicle, or restored-modified vehicle within 60 days of the owner establishing  
 226 residency in this state.
- 227 (b)(i) The commission may contract with a designated agent described in Chapter  
 228 12a, Part 8, Uninsured Motorist Identification Database Program, to determine the  
 229 address for which a contract for owner's or operator's security pertaining to a  
 230 certain vehicle or vessel is tied.
- 231 (ii) If the information provided by the designated agent under Subsection (3)(b)(i)  
 232 indicates that the owner of a vehicle or vessel is a resident of this state, the

- 233 commission may investigate to ensure compliance with this chapter, Chapter 22,  
234 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, and Title 73,  
235 Chapter 18, State Boating Act.
- 236 (c) If the commission's investigation described in Subsection (3)(b)(ii) determines that  
237 the owner of the vehicle or vessel is not in compliance with this chapter, Chapter 22,  
238 Off-highway Vehicles, Title 59, Chapter 12, Sales and Use Tax Act, or Title 73,  
239 Chapter 18, State Boating Act, the commission:
- 240 (i) may impose a penalty on the owner of the vehicle or vessel of \$150; and  
241 (ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and  
242 allow 60 days after the date on which the notice was issued for the owner of the  
243 vehicle or vessel to comply with the provisions identified in the commission's  
244 investigation described in Subsection (3)(b)(ii).
- 245 (d) If the owner of a vehicle or vessel fails to comply as directed within the time period  
246 described in Subsection (3)(c), the commission~~[-created in Section 41-3-104]~~ may  
247 impose on the owner of the vehicle or vessel a penalty equal to the greater of:
- 248 (i) if the commission finds there was an underpayment of tax under Title 59, Chapter  
249 12, Sales and Use Tax Act, a penalty as provided in Subsection 59-1-401(7); or  
250 (ii) \$500.
- 251 (e) Upon making a record of the commission's actions, and upon reasonable cause  
252 shown, the commission may waive, reduce, or compromise any penalty imposed  
253 under Subsection (3)(c) or (3)(d).
- 254 (f)(i) The commission shall deposit money from a penalty under Subsections (3)(c)(i)  
255 and (3)(d)(ii) for failure to properly register or title a vehicle or vessel [~~pursuant to~~  
256 in accordance with this chapter, Chapter 22, Off-highway Vehicles, or Title 73,  
257 Chapter 18, State Boating Act, into the Uninsured Motorist Identification  
258 Restricted Account created in Section 41-12a-806.
- 259 (ii) The commission shall deposit money from a penalty under this Subsection  
260 (3)(d)(i) for failure to pay a sales and use tax under Title 59, Chapter 12, Sales and  
261 Use Tax Act, into the General Fund.
- 262 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the  
263 registration requirements of this part for the time period that the registration under  
264 Section 41-3-306 is valid.
- 265 (5) A vehicle that has been issued a nonrepairable certificate may not be registered under  
266 this chapter.

267 Section 3. Section **41-1a-1206** is amended to read:

268 **41-1a-1206 (Effective 05/06/26). Registration fees -- Fees by gross laden weight.**

- 269 (1) Except as provided in Subsections (2) and (3), at the time application is made for  
 270 registration or renewal of registration of a vehicle or combination of vehicles under this  
 271 chapter, a registration fee shall be paid to the division as follows:
- 272 (a) \$46.00 for each motorcycle;
- 273 (b) \$44 for each motor vehicle of 14,000 pounds or less gross laden weight, excluding  
 274 motorcycles;
- 275 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202  
 276 or is registered under Section 41-1a-301:
- 277 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or  
 278 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or  
 279 less gross unladen weight;
- 280 (d)(i) \$53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds  
 281 gross laden weight; plus  
 282 (ii) \$9 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 283 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding  
 284 farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross laden  
 285 weight; plus  
 286 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 287 (f)(i) \$69.50 for each park model recreational vehicle over 14,000 pounds, but not  
 288 exceeding 16,000 pounds gross laden weight; plus  
 289 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross laden weight;
- 290 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 291 (h) in addition to the fee described in Subsection (1)(b):
- 292 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 293 (A) each electric motor vehicle; [~~and~~]  
 294 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or  
 295 more that is a commercial vehicle; and  
 296 [~~(B)~~] (C) [~~Each~~] each motor vehicle not described in this Subsection (1)(h) that is  
 297 fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or  
 298 propane;
- 299 (ii) \$21.75 for each hybrid electric motor vehicle; and  
 300 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;

- 301 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a  
302 model year of 1983 or newer, 50 cents; and
- 303 (j) \$28.50 for each roadable aircraft.
- 304 (2)(a) At the time application is made for registration or renewal of registration of a  
305 vehicle under this chapter for a six-month registration period under Section  
306 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 307 (i) \$34.50 for each motorcycle; and
- 308 (ii) \$33.50 for each motor vehicle of 14,000 pounds or less gross laden weight,  
309 excluding motorcycles.
- 310 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of  
311 registration of a vehicle under this chapter for a six-month registration period under  
312 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 313 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 314 (A) each electric motor vehicle;[-and]
- 315 (B) each electric vehicle with a gross combined weight rating of 6,001 pounds or  
316 more that is a commercial vehicle; and
- 317 ~~[(B)]~~ (C) each motor vehicle not described in this Subsection (2)(b) that is fueled  
318 exclusively by a source other than motor fuel, diesel fuel, natural gas, or  
319 propane;
- 320 (ii) \$16.50 for each hybrid electric motor vehicle; and
- 321 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 322 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 323 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),  
324 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual  
325 shall also pay an additional \$7 as part of the registration fee; and
- 326 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also  
327 pay an additional \$5 as part of the registration fee.
- 328 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually  
329 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),  
330 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),  
331 by taking the registration fee rate for the previous year and adding an amount  
332 equal to the greater of:
- 333 (A) an amount calculated by multiplying the registration fee of the previous year  
334 by the actual percentage change during the previous fiscal year in the

- 335 Consumer Price Index; and  
336 (B) 0.
- 337 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually  
338 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and  
339 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and  
340 adding an amount equal to the greater of:
- 341 (A) an amount calculated by multiplying the registration fee of the previous year  
342 by the actual percentage change during the previous fiscal year in the  
343 Consumer Price Index; and  
344 (B) 0.
- 345 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the  
346 nearest 25 cents.
- 347 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or  
348 older is \$40.
- 349 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal  
350 of registration fees under Subsection (1).
- 351 (c) A vehicle with a Purple Heart special group license plate issued on or before  
352 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group  
353 License Plates, is exempt from the registration fees under Subsection (1).
- 354 (d) A camper is exempt from the registration fees under Subsection (1).
- 355 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor  
356 vehicle shall register for the total gross laden weight of all units of the combination if the  
357 total gross laden weight of the combination exceeds 14,000 pounds.
- 358 (6)(a) Registration fee categories under this section are based on the gross laden weight  
359 declared in the licensee's application for registration.
- 360 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of  
361 2,000 pounds is a full unit.
- 362 (7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to  
363 registering under Subsection (1)(c), apply for and obtain a special registration and  
364 license plate, as provided in Section 41-1a-228, for a fee of \$130.
- 365 (8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the  
366 fee amounts are double the amounts due for a 12-month registration of the same vehicle.
- 367 (9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck  
368 unless:

- 369 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and  
 370 (b)(i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or  
 371 (ii) the truck has a gross vehicle weight rating of 14,000 pounds or less and the owner  
 372 submits to the division a certificate of emissions inspection or a waiver in  
 373 compliance with Section 41-6a-1642.

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

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

- 377 (a) subject to the registration and other fees described in Section 41-22-9; and  
 378 (b) not required to pay an additional registration fee under this section.

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

382 Section 4. Section **41-6a-710** is amended to read:

383 **41-6a-710 (Effective 05/06/26) (Partially Repealed 07/01/27). Roadway divided**  
 384 **into marked lanes -- Provisions -- Traffic-control devices.**

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

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

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

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

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

- 395 (i) an individual operating a motorcycle engaging in lane filtering as described in  
 396 Section 41-6a-704[-] ;  
 397 (ii) a school bus that temporarily impedes a parking or bike lane while operating  
 398 along the school bus's planned route and schedule; or  
 399 (iii) a public transit vehicle, as defined in Section 17B-2a-802, that temporarily  
 400 impedes a parking or bike lane while operating along the public transit vehicle's  
 401 planned route and schedule.

402 (2)(a) On a roadway divided into three or more lanes and providing for two-way

- 403 movement of traffic, a person operating a vehicle may not drive in the center lane  
404 except:
- 405 (i) when overtaking and passing another vehicle traveling in the same direction, and  
406 when the center lane is:
    - 407 (A) clear of traffic within a safe distance; and
    - 408 (B) not a two-way left turn lane;
  - 409 (ii) in preparation of making or completing a left turn in compliance with Section  
410 41-6a-801; or
  - 411 (iii) where the center lane is allocated exclusively to traffic moving in the same  
412 direction that the vehicle is proceeding as indicated by traffic-control devices.
- 413 (b) Notwithstanding Subsection (2)(a)(i) and in accordance with Subsection (1)(a), a  
414 person operating a vehicle may drive in a center lane that is a two-way left turn lane  
415 if:
- 416 (i) the center lane is:
    - 417 (A) on a roadway divided into three or more lanes that provides for two-way  
418 movement of traffic; and
    - 419 (B) clear of traffic within a safe distance;
  - 420 (ii) there is only one lane of travel in the direction the person operating the vehicle is  
421 traveling; and
  - 422 (iii) the person operating the vehicle is overtaking and passing a bicycle or moped  
423 that is moving at less than the reasonable speed of traffic that is present.
- 424 (3)(a) A highway authority may erect traffic-control devices directing specified traffic to  
425 use a designated lane or designating those lanes to be used by traffic moving in a  
426 particular direction regardless of the center of the roadway.
- 427 (b) An operator of a vehicle shall obey the directions of a traffic-control device erected  
428 under Subsection (3)(a).
- 429 (4)(a) A person operating a motor vehicle may not drive within a bicycle lane except:
- 430 (i) to cross a bicycle lane when turning into an intersection, street, alley, driveway, or  
431 other parking area;
  - 432 (ii) when responding to striping, traffic control devices, or emergency conditions; or
  - 433 (iii) while operating:
    - 434 (A) an authorized emergency vehicle;
    - 435 (B) a snow removal vehicle;
    - 436 (C) a vehicle providing municipal-type services, as defined in Section 19-3-303;

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

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

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

443 Section 5. Section **41-6a-1406** is amended to read:

444 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29). Removal and**  
445 **impoundment of vehicles -- Reporting and notification requirements -- Administrative**  
446 **impound fee -- Refunds -- Possessory lien -- Rulemaking.**

447 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section  
448 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order  
449 of a peace officer or by an order of a person acting on behalf of a law enforcement  
450 agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor  
451 shall be at the expense of the owner.

452 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a  
453 state impound yard.

454 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be  
455 removed by a tow truck motor carrier that meets standards established:

456 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

457 (b) by the department under Subsection (11).

458 (4)(a) A report described in this Subsection (4) is required for a vehicle, vessel, or  
459 outboard motor that is impounded as described in Subsection (1).

460 (b) Before noon on the next business day after the date of the removal of the vehicle,  
461 vessel, or outboard motor, a report of the impoundment shall be sent to the Motor  
462 Vehicle Division, in an electronic format approved by the Motor Vehicle Division,  
463 by:

464 (i) the peace officer or agency by whom the peace officer is employed; and

465 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck  
466 operator is employed.

467 (c) The report shall be in a form specified by the Motor Vehicle Division and shall  
468 include:

469 (i) the operator's name, if known;

470 (ii) a description of the vehicle, vessel, or outboard motor;

- 471 (iii) the vehicle identification number or vessel or outboard motor identification  
472 number;
- 473 (iv) the case number designated by the peace officer, law enforcement agency  
474 number, or government entity;
- 475 (v) the license number, temporary permit number, or other identification number  
476 issued by a state agency;
- 477 (vi) the date, time, and place of impoundment;
- 478 (vii) the reason for removal or impoundment;
- 479 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or  
480 outboard motor; and
- 481 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 482 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
483 the State Tax Commission shall make rules to establish proper format and  
484 information required on the form described in this Subsection (4).
- 485 (ii) The State Tax Commission shall ensure that the form described in this Subsection  
486 (4) is provided in an electronic format.
- 487 (e) Until the tow truck operator or tow truck motor carrier reports the removal as  
488 required under this Subsection (4), a tow truck motor carrier or impound yard may  
489 not:
- 490 (i) collect any fee associated with the removal; and  
491 (ii) begin charging storage fees.
- 492 (5)(a) A report described in this Subsection (5) is required for any vehicle, vessel, or  
493 outboard motor that is removed, except for:
- 494 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in  
495 Subsection (1); or
- 496 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in  
497 accordance with Section 72-9-603.
- 498 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer  
499 shall provide documentation to the tow truck operator or tow truck motor carrier that  
500 includes:
- 501 (i) the name and badge number of the peace officer;  
502 (ii) the name and originating agency identifier of the law enforcement agency; and  
503 (iii) the case number designated by the law enforcement officer or law enforcement  
504 agency.

- 505 (c) For a removal described in Subsection (5)(a), before noon on the next business day  
506 following the date of the removal of the vehicle, vessel, or outboard motor, the tow  
507 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in  
508 an electronic format approved by the Motor Vehicle Division:
- 509 (i) the report described in Subsection (4); or
  - 510 (ii) the report described in Subsection (5)(d).
- 511 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck  
512 motor carrier does not provide the report described in Subsection (4), the tow truck  
513 operator or tow truck motor carrier shall provide a report to the Motor Vehicle  
514 Division that includes:
- 515 (i) the name and badge number of the relevant peace officer;
  - 516 (ii) the name and originating agency identifier of the law enforcement agency;
  - 517 (iii) the law enforcement agency case number;
  - 518 (iv) subject to Subsection (5)(e), the vehicle identification number and the license  
519 number, temporary permit number, or other identification number issued by a  
520 state agency;
  - 521 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
  - 522 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 523 (e) If either the vehicle identification number or the license number, temporary permit  
524 number, or other identification number issued by a state agency is not available, the  
525 report shall include:
- 526 (i) as much information as is available from both the vehicle identification number  
527 and the license plate number of the vehicle, vessel, or outboard motor; and
  - 528 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,  
529 model, and model year of the vehicle, vessel, or outboard motor.
- 530 (f) Until the tow truck operator or tow truck motor carrier reports the removal as  
531 required under this Subsection (5), a tow truck motor carrier may not:
- 532 (i) collect any fee associated with the removal; or
  - 533 (ii) begin charging storage fees.
- 534 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be  
535 removed to:
- 536 (i) a state impound yard; or
  - 537 (ii) a location that has been requested by the registered owner at the time of removal,  
538 if payment is made to the tow truck motor carrier or tow truck operator at the time

- 539 of removal.
- 540 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
541 State Tax Commission may make rules to establish proper format and information  
542 required on the form described in Subsection (5)(d), including submission in an  
543 electronic format.
- 544 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in  
545 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner  
546 described in Section 41-1a-114, to the following parties with an interest in the  
547 vehicle, vessel, or outboard motor, as applicable:
- 548 (i) the registered owner;
  - 549 (ii) any lien holder; or
  - 550 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard  
551 motor is currently operating under a temporary permit issued by the dealer, as  
552 described in Section 41-3-302.
- 553 (b) The notice shall:
- 554 (i) state the date, time, and place of removal, the name, if applicable, of the person  
555 operating the vehicle, vessel, or outboard motor at the time of removal, the reason  
556 for removal, and the place where the vehicle, vessel, or outboard motor is stored;
  - 557 (ii) state that the registered owner is responsible for payment of towing, impound,  
558 and storage fees charged against the vehicle, vessel, or outboard motor;
  - 559 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard  
560 motor is released; and
  - 561 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the  
562 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal  
563 or impoundment under this section, one of the parties fails to make a claim for  
564 release of the vehicle, vessel, or outboard motor.
- 565 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor  
566 is not registered in this state, the Motor Vehicle Division shall make a reasonable  
567 effort to notify the parties described in Subsection (6)(a) of the removal and the place  
568 where the vehicle, vessel, or outboard motor is stored.
- 569 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6)  
570 if a report was received by a tow truck operator or tow truck motor carrier reporting a  
571 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 572 (e)(i) The Motor Vehicle Division shall disclose the information in the report

- 573 described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent  
574 as defined in Section 41-12a-802 regarding a tow that was initiated:
- 575 (A) by law enforcement; or
  - 576 (B) without the vehicle owner's consent.
- 577 (ii) The Motor Vehicle Division may rely on the information provided by the tow  
578 truck operator or tow truck motor carrier to determine if a tow meets the criteria  
579 described in Subsections (6)(e)(i)(A) and (B).
- 580 (iii) The designated agent may disclose information received regarding a tow  
581 described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the  
582 vehicle owner's verified insurance company.
- 583 (iv) The designated agent may not disclose information to a vehicle owner's  
584 insurance company if the tow does not meet the criteria described in Subsections  
585 (6)(e)(i)(A) and (B).
- 586 (7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound  
587 yard as described in this section shall be released after a party described in  
588 Subsection (6)(a) or (7)(f):
- 589 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of  
590 the State Tax Commission;
  - 591 (ii) presents identification sufficient to prove ownership of the impounded or  
592 removed vehicle, vessel, or outboard motor;
  - 593 (iii) completes the registration, if needed, and pays the appropriate fees;
  - 594 (iv) if the impoundment was made under Section 41-6a-527 or Subsection  
595 41-1a-1101(3), pays:
    - 596 (A) an administrative impound fee of \$425; and
    - 597 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an  
598 administrative testing fee of \$30; and
  - 599 (v) pays all towing and storage fees to the place where the vehicle, vessel, or  
600 outboard motor is stored.
- 601 (b)(i) Twenty-nine dollars of the administrative impound fee assessed under  
602 Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
- 603 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed  
604 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public  
605 Safety Restricted Account created in Section 53-3-106.
- 606 (iii) Twenty dollars of the administrative impound fee assessed under Subsection

- 607 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund  
608 created in Section 26B-1-318.
- 609 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the  
610 remainder of the administrative impound fee assessed under Subsection  
611 (7)(a)(iv)(A) shall be deposited into the General Fund.
- 612 (v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be  
613 deposited into the State Laboratory Drug Testing Account created in Section  
614 26B-1-304.
- 615 (c) The administrative impound fee and the administrative testing fee assessed under  
616 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the  
617 registered owner, lien holder, or owner's agent presents written evidence to the State  
618 Tax Commission that:
- 619 (i) the Driver License Division determined that the arrested person's driver license  
620 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as  
621 shown by a letter or other report from the Driver License Division presented  
622 within 180 days after the day on which the Driver License Division mailed the  
623 final notification; or
- 624 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the  
625 stolen vehicle report presented within 180 days after the day of the impoundment.
- 626 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
627 payment by cash and debit or credit card for a removal or impoundment under  
628 Subsection (1) or any service rendered, performed, or supplied in connection with a  
629 removal or impoundment under Subsection (1).
- 630 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the  
631 impounded vehicle, vessel, or outboard motor if:
- 632 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 633 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in  
634 Subsection (6)(a), even if the party satisfies the requirements to release the  
635 vehicle, vessel, or outboard motor under this Subsection (7).
- 636 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or  
637 outboard motor impounded or removed to a state impound yard as described in this  
638 section shall be released to an individual that is not described in Subsection (6)(a) if  
639 the individual:
- 640 (i)(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);

- 641 (B) presents the individual's driver license or other government-issued  
642 identification; and
- 643 (C) demonstrates that the individual has authority granted by a person described in  
644 Subsection (6)(a) to obtain and operate the vehicle; or
- 645 (ii) is a tow truck operator or tow truck motor carrier that:
- 646 (A) demonstrates that the tow truck operator or tow truck motor carrier has  
647 authority granted by a person described in Subsection (6)(a) to obtain and  
648 operate the vehicle, vessel, or outboard motor;
- 649 (B) provides [~~a towing~~] the driver's tow truck operator certificate issued by the  
650 Department of Transportation [~~pursuant to~~] in accordance with Section 72-9-602;
- 651 (C) pays all towing and storage fees; and
- 652 (D) obtains or presents an impound release for the vehicle, vessel, or outboard  
653 motor [~~pursuant to~~] in accordance with Subsection (7)(a).
- 654 (8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by  
655 a party described in Subsection (6)(a) or (7)(f) within the time prescribed by Section  
656 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the  
657 impounded or removed vehicle, vessel, or outboard motor as described in Section  
658 41-1a-1103.
- 659 (b) The date of impoundment or removal is considered the date of seizure for computing  
660 the time period provided under Section 41-1a-1103.
- 661 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the  
662 impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause  
663 of action for all the fees and charges, together with damages, court costs, and attorney  
664 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused  
665 the removal or impoundment.
- 666 (10)(a) As used in this Subsection (10), "life essential item" means the same as that term  
667 is defined in Subsection 72-9-603(13).
- 668 (b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,  
669 or outboard motor.
- 670 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any  
671 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 672 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck  
673 operator, a tow truck motor carrier, or an impound yard shall allow a person  
674 described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to

675 take possession of any life essential item within the vehicle, vessel, or outboard  
 676 motor during normal business hours regardless of whether the towing, impound fees,  
 677 or storage fees have been paid.

678 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon  
 679 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an  
 680 impound yard shall allow a person described in Subsection (6)(a) or an individual  
 681 described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during  
 682 normal business hours and remove personal property not attached to the vehicle,  
 683 vessel, or outboard motor.

684 (11)(a) If the tow truck motor carrier, tow truck operator, or state impound yard fails to  
 685 release the vehicle, vessel, or outboard motor in accordance with Subsection (7), the  
 686 individual acting on behalf of the tow truck motor carrier, tow truck operator, or state  
 687 impound yard may be charged with a violation described in Section 41-1a-1314.

688 (b) Subsection (11)(a) may be enforced by:

689 (i) a local law enforcement agency;

690 (ii) Utah Highway Patrol; or

691 (iii) the Motor Vehicle Enforcement Division created in Section 41-3-104.

692 ~~[(11)]~~ (12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 693 the department shall make rules setting the performance standards for towing companies  
 694 to be used by the department.

695 ~~[(12)]~~ (13)(a) The Motor Vehicle Division may specify that a report required under  
 696 Subsection (4) be submitted in electronic form utilizing a database for submission,  
 697 storage, and retrieval of the information.

698 (b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the  
 699 administrator of the database may adopt a schedule of fees assessed for utilizing  
 700 the database.

701 (ii) The fees under this Subsection ~~[(12)(b)]~~ (13)(b) shall:

702 (A) be reasonable and fair; and

703 (B) reflect the cost of administering the database.

704 Section 6. Section **53-1-106.2** is amended to read:

705 **53-1-106.2 (Effective 05/06/26). Towing dispatch program.**

706 (1) As used in this section, "towing dispatch vendor" means a vendor that provides a  
 707 product or technology capable of increasing efficiency, effectiveness, and transparency  
 708 in the dispatching of towing providers and management of towing rotations.

- 709 (2) An interlocal agency established [~~pursuant to~~] under Title 11, Chapter 13, Interlocal  
710 Cooperation Act, a special service district established [~~pursuant to~~] under Title 17D,  
711 Chapter 1, Special Service District Act, a political subdivision, or a state agency may  
712 enter into a contract with a [~~vendor that provides a product or technology capable of~~  
713 increasing efficiency, effectiveness, and transparency in the dispatching of towing  
714 providers and management of towing rotations:] towing dispatch vendor.
- 715 [(2)] (3) [The] A product or technology [~~described in Subsection (1)] provided by a towing~~  
716 dispatch vendor shall comply with the following requirements and capabilities:
- 717 (a) decreasing delays associated with requesting and dispatching a tow truck motor  
718 carrier from an established tow rotation;
- 719 (b) increasing information, transparency, and data collection associated with tow  
720 rotation operations[~~, including dispatching, response time, completion, clearance, and~~  
721 storage]; and
- 722 (c) increasing responder and traffic safety by reducing secondary crashes, responder  
723 time on scene, and the impacts of traffic accidents on traffic flow and safety.
- 724 (4) A product or technology provided by a towing dispatch vendor may not require a tow  
725 truck operator to manipulate a wireless communication device in a manner that violates  
726 Section 41-6a-1716.
- 727 (5)(a) A towing entity may require a tow truck motor carrier or tow truck operator to  
728 enter the following into a database controlled by the towing dispatch vendor:
- 729 (i) information about the vehicle, vessel, or outboard motor that is the subject of the  
730 tow; and
- 731 (ii) other information about the circumstances and timing of the towing operation.
- 732 (b) A towing entity may not require a tow truck motor carrier or tow truck operator to  
733 enter personally identifiable information about the owner into a database controlled  
734 by the towing dispatch vendor.
- 735 (c) If a towing dispatch vendor that receives from a towing entity, tow truck motor  
736 carrier, or tow truck operator any personally identifiable information or other  
737 information about the owner of a vehicle that is the subject of the towing dispatch  
738 service, the towing dispatch vendor:
- 739 (i) may not:
- 740 (A) share the information with a third party;
- 741 (B) sell the information to a third party;
- 742 (C) use the information for any purpose other than dispatching for the tow or

743 removal; or  
 744 (D) retain the information longer than the administrative need; and  
 745 (ii) shall delete any personally identifiable information.

746 [(3)] (6) A vendor selected to provide towing dispatch management services as described in  
 747 this section may not also provide towing, storage, impounding, or other services related  
 748 to the operation of a towing provider.

749 Section 7. Section **57-1-48** is amended to read:

750 **57-1-48 (Effective 05/06/26). Conveyance by deed to a public entity.**

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

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

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

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

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

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

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

763 (A) the grantor of the property; and

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

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

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

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

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

772 "PUBLIC ENTITY AFFIDAVIT

773 I, \_\_\_\_\_(insert name), being of legal age and authorized by \_\_\_\_\_ (name  
 774 of public entity), hereafter "public entity," being first duly sworn, depose and state as follows:

775 The public entity consents to the conveyance of real property by deed from \_\_\_\_\_  
 776 (name of grantor(s)). By signing this Public Entity Affidavit, the public entity accepts the

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

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

781 This Public Entity Affidavit is intended to evidence that the public entity consents to  
782 \_\_\_\_\_ (name of grantor(s)) conveying the real property described in the attached legal  
783 description to the public entity."

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

786 Section 8. Section **59-12-104** is amended to read:

787 **59-12-104 (Effective 07/01/26). Exemptions.**

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

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

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

793 (a) construction materials except:

794 (i) construction materials purchased by or on behalf of institutions of the public  
795 education system as defined in Utah Constitution, Article X, Section 2, provided  
796 the construction materials are clearly identified and segregated and installed or  
797 converted to real property which is owned by institutions of the public education  
798 system;[~~and~~]

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

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

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

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

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

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

- 811 the cost of the item described in Subsection (3)(b) as goods consumed; and
- 812 (b) Subsection (3)(a) applies to:
- 813 (i) food and food ingredients; or
- 814 (ii) prepared food;
- 815 (4)(a) sales of the following to a commercial airline carrier for in-flight consumption:
- 816 (i) alcoholic beverages;
- 817 (ii) food and food ingredients; or
- 818 (iii) prepared food;
- 819 (b) sales of tangible personal property or a product transferred electronically:
- 820 (i) to a passenger;
- 821 (ii) by a commercial airline carrier; and
- 822 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or
- 823 (c) services related to Subsection (4)(a) or (b);
- 824 (5) sales of parts and equipment for installation in an aircraft operated by a common carrier
- 825 in interstate or foreign commerce;
- 826 (6) sales of commercials, motion picture films, prerecorded audio program tapes or records,
- 827 and prerecorded video tapes by a producer, distributor, or studio to a motion picture
- 828 exhibitor, distributor, or commercial television or radio broadcaster;
- 829 (7)(a) except as provided in Subsection (85) and subject to Subsection (7)(b), sales of
- 830 cleaning or washing of tangible personal property if the cleaning or washing of the
- 831 tangible personal property is not assisted cleaning or washing of tangible personal
- 832 property;
- 833 (b) if a seller that sells at the same business location assisted cleaning or washing of
- 834 tangible personal property and cleaning or washing of tangible personal property that
- 835 is not assisted cleaning or washing of tangible personal property, the exemption
- 836 described in Subsection (7)(a) applies if the seller separately accounts for the sales of
- 837 the assisted cleaning or washing of the tangible personal property; and
- 838 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3, Utah
- 839 Administrative Rulemaking Act, the commission may make rules:
- 840 (i) governing the circumstances under which sales are at the same business location;
- 841 and
- 842 (ii) establishing the procedures and requirements for a seller to separately account for
- 843 sales of assisted cleaning or washing of tangible personal property;
- 844 (8) sales made to or by religious or charitable institutions in the conduct of their regular

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

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

849 (a) the sale is not from the vehicle's lessor to the vehicle's lessee;

850 (b) the vehicle is not registered in this state; and

851 (c)(i) the vehicle is not used in this state; or

852 (ii) the vehicle is used in this state:

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

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

856 (II) the time period necessary to transport the vehicle to the borders of this  
857 state; or

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

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

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

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

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

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

865 (A) a drug;

866 (B) a syringe; or

867 (C) a stoma supply; and

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

870 (A) "syringe"; or

871 (B) "stoma supply";

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

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

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

876 (A) a church; or

877 (B) a charitable institution; or

878 (ii) an institution of higher education if:

- 879 (A) the item described in Subsection (12)(c) is not available to the general public;  
880 or
- 881 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal  
882 plan offered by the institution of higher education;
- 883 (b) sales of an item described in Subsection (12)(c) provided for a patient by:  
884 (i) a medical facility; or  
885 (ii) a nursing facility; and
- 886 (c) Subsections (12)(a) and (b) apply to:  
887 (i) food and food ingredients;  
888 (ii) prepared food; or  
889 (iii) alcoholic beverages;
- 890 (13)(a) except as provided in Subsection (13)(b), the sale of tangible personal property  
891 or a product transferred electronically by a person:  
892 (i) regardless of the number of transactions involving the sale of that tangible  
893 personal property or product transferred electronically by that person; and  
894 (ii) not regularly engaged in the business of selling that type of tangible personal  
895 property or product transferred electronically;
- 896 (b) this Subsection (13) does not apply if:  
897 (i) the sale is one of a series of sales of a character to indicate that the person is  
898 regularly engaged in the business of selling that type of tangible personal property  
899 or product transferred electronically;
- 900 (ii) the person holds that person out as regularly engaged in the business of selling  
901 that type of tangible personal property or product transferred electronically;
- 902 (iii) the person sells an item of tangible personal property or product transferred  
903 electronically that the person purchased as a sale that is exempt under Subsection  
904 (25); or
- 905 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws  
906 of this state in which case the tax is based upon:  
907 (A) the bill of sale, lease agreement, or other written evidence of value of the  
908 vehicle or vessel being sold; or  
909 (B) in the absence of a bill of sale, lease agreement, or other written evidence of  
910 value, the fair market value of the vehicle or vessel being sold at the time of the  
911 sale as determined by the commission; and
- 912 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 913 commission shall make rules establishing the circumstances under which:
- 914 (i) a person is regularly engaged in the business of selling a type of tangible personal  
915 property or product transferred electronically;
- 916 (ii) a sale of tangible personal property or a product transferred electronically is one  
917 of a series of sales of a character to indicate that a person is regularly engaged in  
918 the business of selling that type of tangible personal property or product  
919 transferred electronically; or
- 920 (iii) a person holds that person out as regularly engaged in the business of selling a  
921 type of tangible personal property or product transferred electronically;
- 922 (14) amounts paid or charged for a purchase or lease of machinery, equipment, normal  
923 operating repair or replacement parts, or materials, except for office equipment or office  
924 supplies, by:
- 925 (a) a manufacturing facility that:
- 926 (i) is located in the state; and
- 927 (ii) uses or consumes the machinery, equipment, normal operating repair or  
928 replacement parts, or materials:
- 929 (A) in the manufacturing process to manufacture an item sold as tangible personal  
930 property, as the commission may define that phrase in accordance with Title  
931 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 932 (B) for a scrap recycler, to process an item sold as tangible personal property, as  
933 the commission may define that phrase in accordance with Title 63G, Chapter 3,  
934 Utah Administrative Rulemaking Act;
- 935 (b) an establishment, as the commission defines that term in accordance with Title 63G,  
936 Chapter 3, Utah Administrative Rulemaking Act, that:
- 937 (i) is described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS  
938 Code 213113, Support Activities for Coal Mining, 213114, Support Activities for  
939 Metal Mining, or 213115, Support Activities for Nonmetallic Minerals (except  
940 Fuels) Mining, of the 2002 North American Industry Classification System of the  
941 federal Executive Office of the President, Office of Management and Budget;
- 942 (ii) is located in the state; and
- 943 (iii) uses or consumes the machinery, equipment, normal operating repair or  
944 replacement parts, or materials in:
- 945 (A) the production process to produce an item sold as tangible personal property,  
946 as the commission may define that phrase in accordance with Title 63G,

- 947 Chapter 3, Utah Administrative Rulemaking Act;
- 948 (B) research and development, as the commission may define that phrase in  
949 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 950 (C) transporting, storing, or managing tailings, overburden, or similar waste  
951 materials produced from mining;
- 952 (D) developing or maintaining a road, tunnel, excavation, or similar feature used  
953 in mining; or
- 954 (E) preventing, controlling, or reducing dust or other pollutants from mining; or
- 955 (c) an establishment, as the commission defines that term in accordance with Title 63G,  
956 Chapter 3, Utah Administrative Rulemaking Act, that:
- 957 (i) is described in NAICS Code 518112, Web Search Portals, of the 2002 North  
958 American Industry Classification System of the federal Executive Office of the  
959 President, Office of Management and Budget;
- 960 (ii) is located in the state; and
- 961 (iii) uses or consumes the machinery, equipment, normal operating repair or  
962 replacement parts, or materials in the operation of the web search portal;
- 963 (15)(a) sales of the following if the requirements of Subsection (15)(b) are met:
- 964 (i) tooling;
- 965 (ii) special tooling;
- 966 (iii) support equipment;
- 967 (iv) special test equipment; or
- 968 (v) parts used in the repairs or renovations of tooling or equipment described in  
969 Subsections (15)(a)(i) through (iv); and
- 970 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
- 971 (i) the tooling, equipment, or parts are used or consumed exclusively in the  
972 performance of any aerospace or electronics industry contract with the United  
973 States government or any subcontract under that contract; and
- 974 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),  
975 title to the tooling, equipment, or parts is vested in the United States government  
976 as evidenced by:
- 977 (A) a government identification tag placed on the tooling, equipment, or parts; or
- 978 (B) listing on a government-approved property record if placing a government  
979 identification tag on the tooling, equipment, or parts is impractical;
- 980 (16) sales of newspapers or newspaper subscriptions;

- 981 (17)(a) except as provided in Subsection (17)(b), tangible personal property or a product  
982 transferred electronically traded in as full or part payment of the purchase price,  
983 except that for purposes of calculating sales or use tax upon vehicles not sold by a  
984 vehicle dealer, trade-ins are limited to other vehicles only, and the tax is based upon:
- 985 (i) the bill of sale or other written evidence of value of the vehicle being sold and the  
986 vehicle being traded in; or
  - 987 (ii) in the absence of a bill of sale or other written evidence of value, the then existing  
988 fair market value of the vehicle being sold and the vehicle being traded in, as  
989 determined by the commission; and
- 990 (b) Subsection (17)(a) does not apply to the following items of tangible personal  
991 property or products transferred electronically traded in as full or part payment of the  
992 purchase price:
- 993 (i) money;
  - 994 (ii) electricity;
  - 995 (iii) water;
  - 996 (iv) gas; or
  - 997 (v) steam;
- 998 (18)(a)(i) except as provided in Subsection (18)(b), sales of tangible personal  
999 property or a product transferred electronically used or consumed primarily and  
1000 directly in farming operations, regardless of whether the tangible personal  
1001 property or product transferred electronically:
- 1002 (A) becomes part of real estate; or
  - 1003 (B) is installed by a farmer, contractor, or subcontractor; or
  - 1004 (ii) sales of parts used in the repairs or renovations of tangible personal property or a  
1005 product transferred electronically if the tangible personal property or product  
1006 transferred electronically is exempt under Subsection (18)(a)(i); and
- 1007 (b) amounts paid or charged for the following are subject to the taxes imposed by this  
1008 chapter:
- 1009 (i)(A) subject to Subsection (18)(b)(i)(B), machinery, equipment, materials, or  
1010 supplies if used in a manner that is incidental to farming; and
  - 1011 (B) tangible personal property that is considered to be used in a manner that is  
1012 incidental to farming includes:
    - 1013 (I) hand tools; or
    - 1014 (II) maintenance and janitorial equipment and supplies;

- 1015 (ii)(A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product  
1016 transferred electronically if the tangible personal property or product  
1017 transferred electronically is used in an activity other than farming; and  
1018 (B) tangible personal property or a product transferred electronically that is  
1019 considered to be used in an activity other than farming includes:  
1020 (I) office equipment and supplies; or  
1021 (II) equipment and supplies used in:  
1022 (Aa) the sale or distribution of farm products;  
1023 (Bb) research; or  
1024 (Cc) transportation; or  
1025 (iii) a vehicle required to be registered by the laws of this state during the period  
1026 ending two years after the date of the vehicle's purchase;  
1027 (19) sales of hay;  
1028 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or garden,  
1029 farm, or other agricultural produce if the seasonal crops are, seedling plants are, or  
1030 garden, farm, or other agricultural produce is sold by:  
1031 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other  
1032 agricultural produce;  
1033 (b) an employee of the producer described in Subsection (20)(a); or  
1034 (c) a member of the immediate family of the producer described in Subsection (20)(a);  
1035 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued under  
1036 the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 1037 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,  
1038 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,  
1039 wholesaler, or retailer for use in packaging tangible personal property to be sold by that  
1040 manufacturer, processor, wholesaler, or retailer;
- 1041 (23) a product stored in the state for resale;
- 1042 (24)(a) purchases of a product if:  
1043 (i) the product is:  
1044 (A) purchased outside of this state;  
1045 (B) brought into this state:  
1046 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and  
1047 (II) by a nonresident person who is not living or working in this state at the  
1048 time of the purchase;

- 1049 (C) used for the personal use or enjoyment of the nonresident person described in  
1050 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state;  
1051 and  
1052 (D) not used in conducting business in this state; and  
1053 (ii) for:  
1054 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use  
1055 of the product for a purpose for which the product is designed occurs outside of  
1056 this state;  
1057 (B) a boat, the boat is registered outside of this state; or  
1058 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is  
1059 registered outside of this state;
- 1060 (b) the exemption provided for in Subsection (24)(a) does not apply to:  
1061 (i) a lease or rental of a product; or  
1062 (ii) a sale of a vehicle exempt under Subsection (33); and  
1063 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for  
1064 purposes of Subsection (24)(a), the commission may by rule define what constitutes  
1065 the following:  
1066 (i) conducting business in this state if that phrase has the same meaning in this  
1067 Subsection (24) as in Subsection (63);  
1068 (ii) the first use of a product if that phrase has the same meaning in this Subsection  
1069 (24) as in Subsection (63); or  
1070 (iii) a purpose for which a product is designed if that phrase has the same meaning in  
1071 this Subsection (24) as in Subsection (63);
- 1072 (25) a product purchased for resale in the regular course of business, either in the product's  
1073 original form or as an ingredient or component part of a manufactured or compounded  
1074 product;
- 1075 (26) a product upon which a sales or use tax was paid to some other state, or one of another  
1076 state's subdivisions, except that the state shall be paid any difference between the tax  
1077 paid and the tax imposed by this part and Part 2, Local Sales and Use Tax Act, and no  
1078 adjustment is allowed if the tax paid was greater than the tax imposed by this part and  
1079 Part 2, Local Sales and Use Tax Act;
- 1080 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a person  
1081 for use in compounding a service taxable under the subsections;
- 1082 (28) purchases made in accordance with the special supplemental nutrition program for

- 1083 women, infants, and children established in 42 U.S.C. Sec. 1786;
- 1084 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other replacement  
1085 parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code 3312 of  
1086 the 1987 Standard Industrial Classification Manual of the federal Executive Office of the  
1087 President, Office of Management and Budget;
- 1088 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State  
1089 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard  
1090 motor is:
- 1091 (a) not registered in this state; and
- 1092 (b)(i) not used in this state; or
- 1093 (ii) used in this state:
- 1094 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for  
1095 a time period that does not exceed the longer of:
- 1096 (I) 30 days in any calendar year; or
- 1097 (II) the time period necessary to transport the boat, boat trailer, or outboard  
1098 motor to the borders of this state; or
- 1099 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the  
1100 time period necessary to transport the boat, boat trailer, or outboard motor to  
1101 the borders of this state;
- 1102 (31) sales of aircraft manufactured in Utah;
- 1103 (32) amounts paid for the purchase of telecommunications service for purposes of  
1104 providing telecommunications service;
- 1105 (33) sales, leases, or uses of the following:
- 1106 (a) a vehicle by an authorized carrier; or
- 1107 (b) tangible personal property that is installed on a vehicle:
- 1108 (i) sold or leased to or used by an authorized carrier; and
- 1109 (ii) before the vehicle is placed in service for the first time;
- 1110 (34)(a) 45% of the sales price of any new manufactured home; and
- 1111 (b) 100% of the sales price of any used manufactured home;
- 1112 (35) sales relating to schools and fundraising sales;
- 1113 (36) sales or rentals of durable medical equipment if:
- 1114 (a) a person presents a prescription for the durable medical equipment; and
- 1115 (b) the durable medical equipment is used for home use only;
- 1116 (37)(a) sales to a ski resort of electricity to operate a passenger ropeway as defined in

- 1117 Section 72-11-102; and
- 1118 (b) the commission shall by rule determine the method for calculating sales exempt  
1119 under Subsection (37)(a) that are not separately metered and accounted for in utility  
1120 billings;
- 1121 (38) sales to a ski resort of:
- 1122 (a) snowmaking equipment;
- 1123 (b) ski slope grooming equipment;
- 1124 (c) passenger ropeways as defined in Section 72-11-102; or
- 1125 (d) parts used in the repairs or renovations of equipment or passenger ropeways  
1126 described in Subsections (38)(a) through (c);
- 1127 (39) subject to Subsection 59-12-103(2)(j), sales of natural gas, electricity, heat, coal, fuel  
1128 oil, or other fuels for industrial use;
- 1129 (40)(a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for  
1130 amusement, entertainment, or recreation an unassisted amusement device as defined  
1131 in Section 59-12-102;
- 1132 (b) if a seller that sells or rents at the same business location the right to use or operate  
1133 for amusement, entertainment, or recreation one or more unassisted amusement  
1134 devices and one or more assisted amusement devices, the exemption described in  
1135 Subsection (40)(a) applies if the seller separately accounts for the sales or rentals of  
1136 the right to use or operate for amusement, entertainment, or recreation for the assisted  
1137 amusement devices; and
- 1138 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3, Utah  
1139 Administrative Rulemaking Act, the commission may make rules:
- 1140 (i) governing the circumstances under which sales are at the same business location;  
1141 and
- 1142 (ii) establishing the procedures and requirements for a seller to separately account for  
1143 the sales or rentals of the right to use or operate for amusement, entertainment, or  
1144 recreation for assisted amusement devices;
- 1145 (41)(a) sales of photocopies by:
- 1146 (i) a governmental entity; or
- 1147 (ii) an entity within the state system of public education, including:
- 1148 (A) a school; or
- 1149 (B) the State Board of Education; or
- 1150 (b) sales of publications by a governmental entity;

- 1151 (42) amounts paid for admission to an athletic event at an institution of higher education  
1152 that is subject to the provisions of Title IX of the Education Amendments of 1972, 20  
1153 U.S.C. Sec. 1681 et seq.;
- 1154 (43)(a) sales made to or by:  
1155 (i) an area agency on aging; or  
1156 (ii) a senior citizen center owned by a county, city, or town; or  
1157 (b) sales made by a senior citizen center that contracts with an area agency on aging;
- 1158 (44) sales or leases of semiconductor fabricating, processing, research, or development  
1159 materials regardless of whether the semiconductor fabricating, processing, research, or  
1160 development materials:  
1161 (a) actually come into contact with a semiconductor; or  
1162 (b) ultimately become incorporated into real property;
- 1163 (45) an amount paid by or charged to a purchaser for accommodations and services  
1164 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under  
1165 Section 59-12-104.2;
- 1166 (46) the lease or use of a vehicle issued a temporary sports event registration certificate in  
1167 accordance with Section 41-3-306 for the event period specified on the temporary sports  
1168 event registration certificate;
- 1169 (47)(a) sales or uses of electricity, if the sales or uses are made under a retail tariff  
1170 adopted by the Public Service Commission only for purchase of electricity produced  
1171 from a new alternative energy source built after January 1, 2016, as designated in the  
1172 tariff by the Public Service Commission; and  
1173 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies  
1174 only to the portion of the tariff rate a customer pays under the tariff described in  
1175 Subsection (47)(a) that exceeds the tariff rate under the tariff described in Subsection  
1176 (47)(a) that the customer would have paid absent the tariff;
- 1177 (48) sales or rentals of mobility enhancing equipment if a person presents a prescription for  
1178 the mobility enhancing equipment;
- 1179 (49) sales of water in a:  
1180 (a) pipe;  
1181 (b) conduit;  
1182 (c) ditch; or  
1183 (d) reservoir;
- 1184 (50) sales of currency or coins that constitute legal tender of a state, the United States, or a

- 1185 foreign nation;
- 1186 (51)(a) sales of an item described in Subsection (51)(b) if the item:
- 1187 (i) does not constitute legal tender of a state, the United States, or a foreign nation;
- 1188 and
- 1189 (ii) has a gold, silver, or platinum content of 50% or more; and
- 1190 (b) Subsection (51)(a) applies to a gold, silver, or platinum:
- 1191 (i) ingot;
- 1192 (ii) bar;
- 1193 (iii) medallion; or
- 1194 (iv) decorative coin;
- 1195 (52) amounts paid on a sale-leaseback transaction;
- 1196 (53) sales of a prosthetic device:
- 1197 (a) for use on or in a human; and
- 1198 (b)(i) for which a prescription is required; or
- 1199 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
- 1200 (54)(a) except as provided in Subsection (54)(b), purchases, leases, or rentals of
- 1201 machinery or equipment by an establishment described in Subsection (54)(c) if the
- 1202 machinery or equipment is primarily used in the production or postproduction of the
- 1203 following media for commercial distribution:
- 1204 (i) a motion picture;
- 1205 (ii) a television program;
- 1206 (iii) a movie made for television;
- 1207 (iv) a music video;
- 1208 (v) a commercial;
- 1209 (vi) a documentary; or
- 1210 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
- 1211 commission by administrative rule made in accordance with Subsection (54)(d);
- 1212 (b) purchases, leases, or rentals of machinery or equipment by an establishment
- 1213 described in Subsection (54)(c) that is used for the production or postproduction of
- 1214 the following are subject to the taxes imposed by this chapter:
- 1215 (i) a live musical performance;
- 1216 (ii) a live news program; or
- 1217 (iii) a live sporting event;
- 1218 (c) the following establishments listed in the 1997 North American Industry

- 1219 Classification System of the federal Executive Office of the President, Office of  
1220 Management and Budget, apply to Subsections (54)(a) and (b):
- 1221 (i) NAICS Code 512110; or  
1222 (ii) NAICS Code 51219; and
- 1223 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1224 commission may by rule:
- 1225 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);  
1226 or  
1227 (ii) define:
- 1228 (A) "commercial distribution";  
1229 (B) "live musical performance";  
1230 (C) "live news program"; or  
1231 (D) "live sporting event";
- 1232 (55)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on  
1233 or before June 30, 2027, of tangible personal property that:
- 1234 (i) is leased or purchased for or by a facility that:
- 1235 (A) is an alternative energy electricity production facility;  
1236 (B) is located in the state; and  
1237 (C)(I) becomes operational on or after July 1, 2004; or  
1238 (II) has its generation capacity increased by one or more megawatts on or after  
1239 July 1, 2004, as a result of the use of the tangible personal property;
- 1240 (ii) has an economic life of five or more years; and  
1241 (iii) is used to make the facility or the increase in capacity of the facility described in  
1242 Subsection (55)(a)(i) operational up to the point of interconnection with an  
1243 existing transmission grid including:
- 1244 (A) a wind turbine;  
1245 (B) generating equipment;  
1246 (C) a control and monitoring system;  
1247 (D) a power line;  
1248 (E) substation equipment;  
1249 (F) lighting;  
1250 (G) fencing;  
1251 (H) pipes; or  
1252 (I) other equipment used for locating a power line or pole; and

- 1253 (b) this Subsection (55) does not apply to:
- 1254 (i) tangible personal property used in construction of:
- 1255 (A) a new alternative energy electricity production facility; or
- 1256 (B) the increase in the capacity of an alternative energy electricity production
- 1257 facility;
- 1258 (ii) contracted services required for construction and routine maintenance activities;
- 1259 and
- 1260 (iii) unless the tangible personal property is used or acquired for an increase in
- 1261 capacity of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal
- 1262 property used or acquired after:
- 1263 (A) the alternative energy electricity production facility described in Subsection
- 1264 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
- 1265 (B) the increased capacity described in Subsection (55)(a)(i) is operational as
- 1266 described in Subsection (55)(a)(iii);
- 1267 (56)(a) leases of seven or more years or purchases made on or after July 1, 2004, but on
- 1268 or before June 30, 2027, of tangible personal property that:
- 1269 (i) is leased or purchased for or by a facility that:
- 1270 (A) is a waste energy production facility;
- 1271 (B) is located in the state; and
- 1272 (C)(I) becomes operational on or after July 1, 2004; or
- 1273 (II) has its generation capacity increased by one or more megawatts on or after
- 1274 July 1, 2004, as a result of the use of the tangible personal property;
- 1275 (ii) has an economic life of five or more years; and
- 1276 (iii) is used to make the facility or the increase in capacity of the facility described in
- 1277 Subsection (56)(a)(i) operational up to the point of interconnection with an
- 1278 existing transmission grid including:
- 1279 (A) generating equipment;
- 1280 (B) a control and monitoring system;
- 1281 (C) a power line;
- 1282 (D) substation equipment;
- 1283 (E) lighting;
- 1284 (F) fencing;
- 1285 (G) pipes; or
- 1286 (H) other equipment used for locating a power line or pole; and

- 1287 (b) this Subsection (56) does not apply to:
- 1288 (i) tangible personal property used in construction of:
- 1289 (A) a new waste energy facility; or
- 1290 (B) the increase in the capacity of a waste energy facility;
- 1291 (ii) contracted services required for construction and routine maintenance activities;
- 1292 and
- 1293 (iii) unless the tangible personal property is used or acquired for an increase in
- 1294 capacity described in Subsection (56)(a)(i)(C)(II), tangible personal property used
- 1295 or acquired after:
- 1296 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
- 1297 described in Subsection (56)(a)(iii); or
- 1298 (B) the increased capacity described in Subsection (56)(a)(i) is operational as
- 1299 described in Subsection (56)(a)(iii);
- 1300 (57)(a) leases of five or more years or purchases made on or after July 1, 2004, but on or
- 1301 before June 30, 2027, of tangible personal property that:
- 1302 (i) is leased or purchased for or by a facility that:
- 1303 (A) is located in the state;
- 1304 (B) produces fuel from alternative energy, including:
- 1305 (I) methanol; or
- 1306 (II) ethanol; and
- 1307 (C)(I) becomes operational on or after July 1, 2004; or
- 1308 (II) has its capacity to produce fuel increase by 25% or more on or after July 1,
- 1309 2004, as a result of the installation of the tangible personal property;
- 1310 (ii) has an economic life of five or more years; and
- 1311 (iii) is installed on the facility described in Subsection (57)(a)(i);
- 1312 (b) this Subsection (57) does not apply to:
- 1313 (i) tangible personal property used in construction of:
- 1314 (A) a new facility described in Subsection (57)(a)(i); or
- 1315 (B) the increase in capacity of the facility described in Subsection (57)(a)(i);
- 1316 (ii) contracted services required for construction and routine maintenance activities;
- 1317 and
- 1318 (iii) unless the tangible personal property is used or acquired for an increase in
- 1319 capacity described in Subsection (57)(a)(i)(C)(II), tangible personal property used
- 1320 or acquired after:

- 1321 (A) the facility described in Subsection (57)(a)(i) is operational; or  
1322 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
- 1323 (58)(a) subject to Subsection (58)(b), sales of tangible personal property or a product  
1324 transferred electronically to a person within this state if that tangible personal  
1325 property or product transferred electronically is subsequently shipped outside the  
1326 state and incorporated [~~pursuant to~~] in accordance with contract into and becomes a  
1327 part of real property located outside of this state; and
- 1328 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other  
1329 state or political entity to which the tangible personal property is shipped imposes a  
1330 sales, use, gross receipts, or other similar transaction excise tax on the transaction  
1331 against which the other state or political entity allows a credit for sales and use taxes  
1332 imposed by this chapter;
- 1333 (59) purchases:
- 1334 (a) of one or more of the following items in printed or electronic format:
- 1335 (i) a list containing information that includes one or more:
- 1336 (A) names; or  
1337 (B) addresses; or
- 1338 (ii) a database containing information that includes one or more:
- 1339 (A) names; or  
1340 (B) addresses; and
- 1341 (b) used to send direct mail;
- 1342 (60) redemptions or repurchases of a product by a person if that product was:
- 1343 (a) delivered to a pawnbroker as part of a pawn transaction; and  
1344 (b) redeemed or repurchased within the time period established in a written agreement  
1345 between the person and the pawnbroker for redeeming or repurchasing the product;
- 1346 (61)(a) purchases or leases of an item described in Subsection (61)(b) if the item:
- 1347 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;  
1348 and  
1349 (ii) has a useful economic life of one or more years; and
- 1350 (b) the following apply to Subsection (61)(a):
- 1351 (i) telecommunications enabling or facilitating equipment, machinery, or software;  
1352 (ii) telecommunications equipment, machinery, or software required for 911 service;  
1353 (iii) telecommunications maintenance or repair equipment, machinery, or software;  
1354 (iv) telecommunications switching or routing equipment, machinery, or software; or

- 1355 (v) telecommunications transmission equipment, machinery, or software;
- 1356 (62)(a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
- 1357 personal property or a product transferred electronically that are used in the research
- 1358 and development of alternative energy technology; and
- 1359 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1360 commission may, for purposes of Subsection (62)(a), make rules defining what
- 1361 constitutes purchases of tangible personal property or a product transferred
- 1362 electronically that are used in the research and development of alternative energy
- 1363 technology;
- 1364 (63)(a) purchases of tangible personal property or a product transferred electronically if:
- 1365 (i) the tangible personal property or product transferred electronically is:
- 1366 (A) purchased outside of this state;
- 1367 (B) brought into this state at any time after the purchase described in Subsection
- 1368 (63)(a)(i)(A); and
- 1369 (C) used in conducting business in this state; and
- 1370 (ii) for:
- 1371 (A) tangible personal property or a product transferred electronically other than
- 1372 the tangible personal property described in Subsection (63)(a)(ii)(B), the first
- 1373 use of the property for a purpose for which the property is designed occurs
- 1374 outside of this state; or
- 1375 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is
- 1376 registered outside of this state and not required to be registered in this state
- 1377 under Section 41-1a-202 or 73-18-9 based on residency;
- 1378 (b) the exemption provided for in Subsection (63)(a) does not apply to:
- 1379 (i) a lease or rental of tangible personal property or a product transferred
- 1380 electronically; or
- 1381 (ii) a sale of a vehicle exempt under Subsection (33); and
- 1382 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 1383 purposes of Subsection (63)(a), the commission may by rule define what constitutes
- 1384 the following:
- 1385 (i) conducting business in this state if that phrase has the same meaning in this
- 1386 Subsection (63) as in Subsection (24);
- 1387 (ii) the first use of tangible personal property or a product transferred electronically if
- 1388 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or

- 1389 (iii) a purpose for which tangible personal property or a product transferred  
1390 electronically is designed if that phrase has the same meaning in this Subsection  
1391 (63) as in Subsection (24);
- 1392 (64) sales of disposable home medical equipment or supplies if:
- 1393 (a) a person presents a prescription for the disposable home medical equipment or  
1394 supplies;
- 1395 (b) the disposable home medical equipment or supplies are used exclusively by the  
1396 person to whom the prescription described in Subsection (64)(a) is issued; and
- 1397 (c) the disposable home medical equipment and supplies are listed as eligible for  
1398 payment under:
- 1399 (i) Title XVIII, federal Social Security Act; or  
1400 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;
- 1401 (65) sales:
- 1402 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District  
1403 Act; or
- 1404 (b) of tangible personal property to a subcontractor of a public transit district, if the  
1405 tangible personal property is:
- 1406 (i) clearly identified; and  
1407 (ii) installed or converted to real property owned by the public transit district;
- 1408 (66) sales of construction materials:
- 1409 (a) purchased on or after July 1, 2010;
- 1410 (b) purchased by, on behalf of, or for the benefit of an international airport:
- 1411 (i) located within a county of the first class; and  
1412 (ii) that has a United States customs office on its premises; and
- 1413 (c) if the construction materials are:
- 1414 (i) clearly identified;  
1415 (ii) segregated; and  
1416 (iii) installed or converted to real property:
- 1417 (A) owned or operated by the international airport described in Subsection (66)(b);  
1418 and  
1419 (B) located at the international airport described in Subsection (66)(b);
- 1420 (67) sales of construction materials:
- 1421 (a) purchased on or after July 1, 2008;  
1422 (b) purchased by, on behalf of, or for the benefit of a new airport:

- 1423 (i) located within a county of the second or third class, as classified in Section  
 1424 17-60-104; and
- 1425 (ii) that is owned or operated by a city in which an airline as defined in Section  
 1426 59-2-102 is headquartered; and
- 1427 (c) if the construction materials are:
- 1428 (i) clearly identified;
- 1429 (ii) segregated; and
- 1430 (iii) installed or converted to real property:
- 1431 (A) owned or operated by the new airport described in Subsection (67)(b);
- 1432 (B) located at the new airport described in Subsection (67)(b); and
- 1433 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 1434 (68) except for the tax imposed by Subsection 59-12-103(2)(d), sales of fuel to a common  
 1435 carrier that is a railroad for use in a locomotive engine;
- 1436 (69) purchases and sales described in Section 63H-4-111;
- 1437 (70)(a) sales of tangible personal property to an aircraft maintenance, repair, and  
 1438 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in  
 1439 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered  
 1440 aircraft's registration lists a state or country other than this state as the location of  
 1441 registry of the fixed wing turbine powered aircraft; or
- 1442 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul  
 1443 provider in connection with the maintenance, repair, overhaul, or refurbishment in  
 1444 this state of a fixed wing turbine powered aircraft if that fixed wing turbine powered  
 1445 aircraft's registration lists a state or country other than this state as the location of  
 1446 registry of the fixed wing turbine powered aircraft;
- 1447 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:
- 1448 (a) to a person admitted to an institution of higher education; and
- 1449 (b) by a seller, other than a bookstore owned by an institution of higher education, if  
 1450 51% or more of that seller's sales revenue for the previous calendar quarter are sales  
 1451 of a textbook for a higher education course;
- 1452 (72) a license fee or tax a municipality imposes in accordance with Subsection 10-1-203(5)  
 1453 on a purchaser from a business for which the municipality provides an enhanced level of  
 1454 municipal services;
- 1455 (73) amounts paid or charged for construction materials used in the construction of a new or  
 1456 expanding life science research and development facility in the state, if the construction

- 1457 materials are:
- 1458 (a) clearly identified;
- 1459 (b) segregated; and
- 1460 (c) installed or converted to real property;
- 1461 (74) amounts paid or charged for:
- 1462 (a) a purchase or lease of machinery and equipment that:
- 1463 (i) are used in performing qualified research:
- 1464 (A) as defined in Section 41(d), Internal Revenue Code; and
- 1465 (B) in the state; and
- 1466 (ii) have an economic life of three or more years; and
- 1467 (b) normal operating repair or replacement parts:
- 1468 (i) for the machinery and equipment described in Subsection (74)(a); and
- 1469 (ii) that have an economic life of three or more years;
- 1470 (75) a sale or lease of tangible personal property used in the preparation of prepared food if:
- 1471 (a) for a sale:
- 1472 (i) the ownership of the seller and the ownership of the purchaser are identical; and
- 1473 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that
- 1474 tangible personal property [~~prior to~~] before making the sale; or
- 1475 (b) for a lease:
- 1476 (i) the ownership of the lessor and the ownership of the lessee are identical; and
- 1477 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that
- 1478 tangible personal property [~~prior to~~] before making the lease;
- 1479 (76)(a) purchases of machinery or equipment if:
- 1480 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
- 1481 Gambling, and Recreation Industries, of the 2012 North American Industry
- 1482 Classification System of the federal Executive Office of the President, Office of
- 1483 Management and Budget;
- 1484 (ii) the machinery or equipment:
- 1485 (A) has an economic life of three or more years; and
- 1486 (B) is used by one or more persons who pay admission or user fees described in
- 1487 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment;
- 1488 and
- 1489 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
- 1490 (A) amounts paid or charged as admission or user fees described in Subsection

- 1491 59-12-103(1)(f); and
- 1492 (B) subject to taxation under this chapter; and
- 1493 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1494 commission may make rules for verifying that 51% of a purchaser's sales revenue for
- 1495 the previous calendar quarter is:
- 1496 (i) amounts paid or charged as admission or user fees described in Subsection
- 1497 59-12-103(1)(f); and
- 1498 (ii) subject to taxation under this chapter;
- 1499 (77) purchases of a short-term lodging consumable by a business that provides
- 1500 accommodations and services described in Subsection 59-12-103(1)(i);
- 1501 (78) amounts paid or charged to access a database:
- 1502 (a) if the primary purpose for accessing the database is to view or retrieve information
- 1503 from the database; and
- 1504 (b) not including amounts paid or charged for a:
- 1505 (i) digital audio work;
- 1506 (ii) digital audio-visual work; or
- 1507 (iii) digital book;
- 1508 (79) amounts paid or charged for a purchase or lease made by an electronic financial
- 1509 payment service, of:
- 1510 (a) machinery and equipment that:
- 1511 (i) are used in the operation of the electronic financial payment service; and
- 1512 (ii) have an economic life of three or more years; and
- 1513 (b) normal operating repair or replacement parts that:
- 1514 (i) are used in the operation of the electronic financial payment service; and
- 1515 (ii) have an economic life of three or more years;
- 1516 (80) sales of a fuel cell as defined in Section 54-15-102;
- 1517 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
- 1518 product transferred electronically if the tangible personal property or product transferred
- 1519 electronically:
- 1520 (a) is stored, used, or consumed in the state; and
- 1521 (b) is temporarily brought into the state from another state:
- 1522 (i) during a disaster period as defined in Section 53-2a-1202;
- 1523 (ii) by an out-of-state business as defined in Section 53-2a-1202;
- 1524 (iii) for a declared state disaster or emergency as defined in Section 53-2a-1202; and

- 1525 (iv) for disaster- or emergency-related work as defined in Section 53-2a-1202;
- 1526 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined in
- 1527 Section 39A-7-102, made ~~[pursuant to]~~ in accordance with Title 39A, Chapter 7, Morale,
- 1528 Welfare, and Recreation Program;
- 1529 (83) amounts paid or charged for a purchase or lease of molten magnesium;
- 1530 (84) amounts paid or charged for a purchase or lease made by a qualifying data center or an
- 1531 occupant of a qualifying data center of machinery, equipment, or normal operating
- 1532 repair or replacement parts, if the machinery, equipment, or normal operating repair or
- 1533 replacement parts:
- 1534 (a) are used in:
- 1535 (i) the operation of the qualifying data center; or
- 1536 (ii) the occupant's operations in the qualifying data center; and
- 1537 (b) have an economic life of one or more years;
- 1538 (85) sales of cleaning or washing of a vehicle, except for cleaning or washing of a vehicle
- 1539 that includes cleaning or washing of the interior of the vehicle;
- 1540 (86) amounts paid or charged for a purchase or lease of machinery, equipment, normal
- 1541 operating repair or replacement parts, catalysts, chemicals, reagents, solutions, or
- 1542 supplies used or consumed:
- 1543 (a) by a refiner who owns, leases, operates, controls, or supervises a refinery as defined
- 1544 in Section 79-6-701 located in the state;
- 1545 (b) if the machinery, equipment, normal operating repair or replacement parts, catalysts,
- 1546 chemicals, reagents, solutions, or supplies are used or consumed in:
- 1547 (i) the production process to produce gasoline or diesel fuel, or at which blendstock is
- 1548 added to gasoline or diesel fuel;
- 1549 (ii) research and development;
- 1550 (iii) transporting, storing, or managing raw materials, work in process, finished
- 1551 products, and waste materials produced from refining gasoline or diesel fuel, or
- 1552 adding blendstock to gasoline or diesel fuel;
- 1553 (iv) developing or maintaining a road, tunnel, excavation, or similar feature used in
- 1554 refining; or
- 1555 (v) preventing, controlling, or reducing pollutants from refining; and
- 1556 (c) if the person holds a valid refiner tax exemption certification as defined in Section
- 1557 79-6-701;
- 1558 (87) amounts paid to or charged by a proprietor for accommodations and services, as

- 1559 defined in Section 63H-1-205, if the proprietor is subject to the MIDA accommodations  
1560 tax imposed under Section 63H-1-205;
- 1561 (88) amounts paid or charged for a purchase or lease of machinery, equipment, normal  
1562 operating repair or replacement parts, or materials, except for office equipment or office  
1563 supplies, by an establishment, as the commission defines that term in accordance with  
1564 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
- 1565 (a) is described in NAICS Code 621511, Medical Laboratories, of the 2017 North  
1566 American Industry Classification System of the federal Executive Office of the  
1567 President, Office of Management and Budget;
- 1568 (b) is located in this state; and
- 1569 (c) uses the machinery, equipment, normal operating repair or replacement parts, or  
1570 materials in the operation of the establishment;
- 1571 (89) amounts paid or charged for an item exempt under Section 59-12-104.10;
- 1572 (90) sales of a note, leaf, foil, or film, if the item:
- 1573 (a) is used as currency;
- 1574 (b) does not constitute legal tender of a state, the United States, or a foreign nation; and
- 1575 (c) has a gold, silver, or platinum metallic content of 50% or more, exclusive of any  
1576 transparent polymer holder, coating, or encasement;
- 1577 (91) amounts paid or charged for admission to an indoor skydiving, rock climbing, or  
1578 surfing facility, if a trained instructor:
- 1579 (a) is present with the participant, in person or by video, for the duration of the activity;  
1580 and
- 1581 (b) actively instructs the participant, including providing observation or feedback;
- 1582 (92) amounts paid or charged in connection with the construction, operation, maintenance,  
1583 repair, or replacement of facilities owned by or constructed for:
- 1584 (a) a distribution electrical cooperative, as defined in Section 54-2-1; or  
1585 (b) a wholesale electrical cooperative, as defined in Section 54-2-1;
- 1586 (93) amounts paid by the service provider for tangible personal property, other than  
1587 machinery, equipment, parts, office supplies, electricity, gas, heat, steam, or other fuels,  
1588 that:
- 1589 (a) is consumed in the performance of a service that is subject to tax under Subsection  
1590 59-12-103(1)(b), (f), (g), (h), (i), or (j);
- 1591 (b) has to be consumed for the service provider to provide the service described in  
1592 Subsection (93)(a); and

- 1593 (c) will be consumed in the performance of the service described in Subsection (93)(a),  
1594 to one or more customers, to the point that the tangible personal property disappears  
1595 or cannot be used for any other purpose;
- 1596 (94) sales of rail rolling stock manufactured in Utah;
- 1597 (95) amounts paid or charged for sales of sand, gravel, rock aggregate, cement products, or  
1598 construction materials between establishments, as the commission defines that term in  
1599 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if:
- 1600 (a) the establishments are related directly or indirectly through 100% common  
1601 ownership or control; and
- 1602 (b) each establishment is described in one of the following subsectors of the 2022 North  
1603 American Industry Classification System of the federal Executive Office of the  
1604 President, Office of Management and Budget:
- 1605 (i) NAICS Subsector 237, Heavy and Civil Engineering Construction; or  
1606 (ii) NAICS Subsector 327, Nonmetallic Mineral Product Manufacturing;
- 1607 (96) sales of construction materials used for the construction of a qualified stadium, as  
1608 defined in Section 11-70-101;
- 1609 (97) amounts paid or charged for sales of a cannabinoid product as that term is defined in  
1610 Section 4-41-102;
- 1611 (98) amounts paid or charged by an operator of a qualifying energy storage manufacturing  
1612 facility for:
- 1613 (a) a purchase of tangible personal property if the tangible personal property is  
1614 incorporated into equipment or a device that stores and discharges energy at the  
1615 qualifying energy storage manufacturing facility; and
- 1616 (b) a purchase or lease of machinery, equipment, or normal operating repair or  
1617 replacement parts if the machinery, equipment, or normal operating repair or  
1618 replacement parts are used exclusively in the operation of the qualifying energy  
1619 storage manufacturing facility;
- 1620 (99) amounts paid or charged for sales of adaptive driving equipment if the adaptive driving  
1621 equipment is not yet installed in a motor vehicle;
- 1622 (100) amounts paid or charged for sales of adaptive driving equipment if the adaptive  
1623 driving equipment is installed in a motor vehicle by a previous owner and the  
1624 requirements of Section 59-12-104.11 are met; and
- 1625 (101) sales of construction materials used for the construction, remodeling, or refurbishing  
1626 of a major sporting event venue, as defined in Section 63N-3-1701, within an approved

1627 major sporting event venue zone.

1628 Section 9. Section **59-12-2220** is amended to read:

1629 **59-12-2220 (Effective 07/01/26). County option sales and use tax to fund**  
1630 **highways or a system for public transit -- Base -- Rate.**

1631 (1) Subject to the other provisions of this part and subject to the requirements of this  
1632 section, the following counties may impose a sales and use tax under this section:

1633 (a) a county legislative body may impose the sales and use tax on the transactions  
1634 described in Subsection 59-12-103(1) located within the county, including the cities  
1635 and towns within the county if:

1636 (i) the entire boundary of a county is annexed into a large public transit district; and

1637 (ii) the maximum amount of sales and use tax authorizations allowed in accordance  
1638 with Section 59-12-2203 and authorized under the following sections has been  
1639 imposed:

1640 (A) Section 59-12-2213;

1641 (B) Section 59-12-2214;

1642 (C) Section 59-12-2215;

1643 (D) Section 59-12-2216;

1644 (E) Section 59-12-2217;

1645 (F) Section 59-12-2218; and

1646 (G) Section 59-12-2219;

1647 (b) if the county is not annexed into a large public transit district, the county legislative  
1648 body may impose the sales and use tax on the transactions described in Subsection  
1649 59-12-103(1) located within the county, including the cities and towns within the  
1650 county if:

1651 (i) the county is an eligible political subdivision; or

1652 (ii) a city or town within the boundary of the county is an eligible political  
1653 subdivision; or

1654 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may  
1655 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)  
1656 located within the county, including the cities and towns within the county.

1657 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
1658 county legislative body that imposes a sales and use tax under this section may impose  
1659 the tax at a rate of .2%.

1660 (3)(a) The commission shall distribute sales and use tax revenue collected under this

- 1661 section as determined by a county legislative body as described in Subsection (3)(b).
- 1662 (b) If a county legislative body imposes a sales and use tax as described in this section,  
1663 the county legislative body may elect to impose a sales and use tax revenue  
1664 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of  
1665 county, and presence and type of a public transit provider in the county.
- 1666 (4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a  
1667 county legislative body imposes a sales and use tax as described in this section, and the  
1668 entire boundary of the county is annexed into a large public transit district, and the  
1669 county is a county of the first class, the commission shall distribute the sales and use tax  
1670 revenue as follows:
- 1671 (a) .10% to a public transit district as described in Subsection (11);  
1672 (b) .05% to the cities and towns as provided in Subsection (8); and  
1673 (c) .05% to the county legislative body.
- 1674 (5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as  
1675 described in this section and the entire boundary of the county is annexed into a large  
1676 public transit district, and the county is a county not described in Subsection (4), the  
1677 commission shall distribute the sales and use tax revenue as follows:
- 1678 (a) .10% to a public transit district as described in Subsection (11);  
1679 (b) .05% to the cities and towns as provided in Subsection (8); and  
1680 (c) .05% to the county legislative body.
- 1681 (6)(a) Except as provided in Subsection (14)(c), if the entire boundary of a county that  
1682 imposes a sales and use tax as described in this section is not annexed into a single  
1683 public transit district, but a city or town within the county is annexed into a single  
1684 public transit district, or if the city or town is an eligible political subdivision, the  
1685 commission shall distribute the sales and use tax revenue collected within the county  
1686 as provided in Subsection (6)(b) or (c).
- 1687 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is  
1688 annexed into the single public transit district, or an eligible political subdivision, the  
1689 commission shall distribute the sales and use tax revenue collected within the portion  
1690 of the county that is within a public transit district or eligible political subdivision as  
1691 follows:
- 1692 (i) .05% to a public transit provider as described in Subsection (11);  
1693 (ii) .075% to the cities and towns as provided in Subsection (8); and  
1694 (iii) .075% to the county legislative body.

- 1695 (c) Except as provided in Subsection (14)(c), for a city, town, or portion of the county  
1696 described in Subsection (6)(a) that is not annexed into a single public transit district  
1697 or eligible political subdivision in the county, the commission shall distribute the  
1698 sales and use tax revenue collected within that portion of the county as follows:  
1699 (i) .08% to the cities and towns as provided in Subsection (8); and  
1700 (ii) .12% to the county legislative body.
- 1701 (7) For a county without a public transit service that imposes a sales and use tax as  
1702 described in this section, the commission shall distribute the sales and use tax revenue  
1703 collected within the county as follows:  
1704 (a) .08% to the cities and towns as provided in Subsection (8); and  
1705 (b) .12% to the county legislative body.
- 1706 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions  
1707 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:  
1708 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
1709 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
1710 through (7) shall be distributed to the unincorporated areas, cities, and towns  
1711 within those counties on the basis of the percentage that the population of each  
1712 unincorporated area, city, or town bears to the total population of all of the  
1713 counties that impose a tax under this section; and  
1714 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
1715 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
1716 through (7) shall be distributed to the unincorporated areas, cities, and towns  
1717 within those counties on the basis of the location of the transaction as determined  
1718 under Sections 59-12-211 through 59-12-215.
- 1719 (b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent  
1720 not otherwise required by federal law:  
1721 (A) the most recent estimate from the Utah Population Committee created in  
1722 Section 63C-20-103; or  
1723 (B) if the Utah Population Committee estimate is not available for each  
1724 municipality and unincorporated area, the adjusted sub-county population  
1725 estimate provided by the Utah Population Committee in accordance with  
1726 Section 63C-20-104.  
1727 (ii) If a needed population estimate is not available from the United States Census  
1728 Bureau, population figures shall be derived from an estimate from the Utah

- 1729 Population Estimates Committee created by executive order of the governor.
- 1730 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development  
1731 Division within the Department of Workforce Services determines that a city or  
1732 town is ineligible for funds in accordance with Subsection 10-21-202(6),  
1733 beginning the first day of the calendar quarter after receiving 90 days' notice, the  
1734 commission shall distribute the distribution that city or town would have received  
1735 under Subsection (8)(a) to cities or towns to which Subsection 10-21-202(6) does  
1736 not apply.
- 1737 (ii) Beginning on January 1, 2024, if the Housing and Community Development  
1738 Division within the Department of Workforce Services determines that a county is  
1739 ineligible for funds in accordance with Subsection 17-80-202(6), beginning the  
1740 first day of the calendar quarter after receiving 90 days' notice, the commission  
1741 shall distribute the distribution that county would have received under Subsection  
1742 (8)(a) to counties to which Subsection 17-80-202(6) does not apply.
- 1743 (9) If a public transit service is organized after the date a county legislative body first  
1744 imposes a tax under this section, a change in a distribution required by this section may  
1745 not take effect until the first distribution the commission makes under this section after a  
1746 90-day period that begins on the date the commission receives written notice from the  
1747 public transit provider that the public transit service has been organized.
- 1748 (10)(a) Except as provided in Subsections (10)(b) and (c), a county, city, or town that  
1749 received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii),  
1750 (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in  
1751 Section 59-12-2212.2.
- 1752 (b) If a county described in Subsection (1)(a) that is a county of the first class imposes  
1753 the sales and use tax authorized in this section, the county may also use funds  
1754 distributed in accordance with Subsection (4)(c) for public safety purposes.
- 1755 (c) If a county described in Subsection (1)(a) that is a county of the second class imposes  
1756 the sales and use tax authorized in this section, the county may also use funds  
1757 distributed in accordance with Subsection (5)(c) for public safety purposes.
- 1758 [(e)] (d) In addition to the purposes described in Subsections (10)(a) and (b), for a city  
1759 relevant to a project area, as that term is defined in Section 63N-3-1401, an allowable  
1760 use of revenue from a sales and use tax under this section includes the revitalization  
1761 of a convention center owned by the county within a city of the first class and  
1762 surrounding revitalization projects related to the convention center.

- 1763 (11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit  
1764 as described in this section may be used for capital expenses and service delivery  
1765 expenses of:
- 1766 (i) a public transit district;
  - 1767 (ii) an eligible political subdivision; or
  - 1768 (iii) another entity providing a service for public transit or a transit facility within the  
1769 relevant county, as those terms are defined in Section 17B-2a-802.
- 1770 (b)(i)(A) If a county of the first class imposes a sales and use tax described in this  
1771 section, beginning on the date on which the county imposes the sales and use  
1772 tax under this section, and for a three-year period after at least three counties  
1773 described in Subsections (4) and (5) have imposed a tax under this section, or  
1774 until June 30, 2030, whichever comes first, revenue designated for public  
1775 transit within a county of the first class as described in Subsection (4)(a) shall  
1776 be transferred to the County of the First Class Highway Projects Fund created  
1777 in Section 72-2-121.
- 1778 (B) Revenue deposited into the County of the First Class Highway Projects Fund  
1779 created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be  
1780 used for public transit innovation grants as provided in Title 72, Chapter 2, Part  
1781 4, Public Transit Innovation Grants.
- 1782 (ii) If a county of the first class imposes a sales and use tax described in this section,  
1783 beginning on the day three years after the date on which at least three counties  
1784 described in Subsections (4) and (5) have imposed a tax under this section, or  
1785 beginning on July 1, 2030, whichever comes first, for revenue designated for  
1786 public transit as described in Subsection (4)(a):
- 1787 (A) 50% of the revenue from a sales and use tax imposed under this section in a  
1788 county of the first class shall be transferred to the County of the First Class  
1789 Highway Projects Fund created in Section 72-2-121 to be used for a purpose  
1790 described in Subsection (11)(a); and
  - 1791 (B) 50% of the revenue from a sales and use tax imposed under this section in a  
1792 county of the first class shall be transferred to the Transit Transportation  
1793 Investment Fund Commuter Rail Subaccount created in Subsection [   
1794 ~~72-2-124(9)~~ 72-2-124(13)].
- 1795 (c)(i) If a county that is not a county of the first class for which the entire boundary of  
1796 the county is annexed into a large public transit district imposes a sales and use

- 1797 tax described in this section, beginning on the date on which the county imposes  
1798 the sales and use tax under this section, and for a three-year period following the  
1799 date on which at least three counties described in Subsections (4) and (5) have  
1800 imposed a tax under this section, or until June 30, 2030, whichever comes first,  
1801 revenue designated for public transit as described in Subsection (5)(a) shall be  
1802 transferred to the relevant county legislative body to be used for a purpose [  
1803 ~~described in Subsection (11)(a)] determined by the county legislative body.~~
- 1804 (ii) If a county that is not a county of the first class for which the entire boundary of  
1805 the county is annexed into a large public transit district imposes a sales and use  
1806 tax described in this section, beginning on the day three years after the date on  
1807 which at least three counties described in Subsections (4) and (5) have imposed a  
1808 tax under this section, or beginning on July 1, 2030, whichever comes first, for the  
1809 revenue that is designated for public transit in Subsection (5)(a):
- 1810 (A) 50% shall be transferred to the Transit Transportation Investment Fund  
1811 Commuter Rail Subaccount created in Subsection [~~72-2-124(9)~~] 72-2-124(13);  
1812 and
- 1813 (B) 50% shall be transferred to the relevant county legislative body to be used for  
1814 a purpose described in Subsection (11)(a).
- 1815 (d) Except as provided in Subsection [~~(13)(e)~~] (14)(c), for a county that imposes a sales  
1816 and use tax under this section, for revenue designated for public transit as described  
1817 in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county  
1818 legislative body to be used for a purpose described in Subsection (11)(a).
- 1819 (12) A large public transit district shall send notice to the commission at least 90 days  
1820 before the earlier of:
- 1821 (a) the date that is three years after the date on which at least three counties described in  
1822 Subsections (4) and (5) have imposed a tax under this section; or
- 1823 (b) June 30, 2030.
- 1824 (13) For a city described in Subsection (10)(c), during the bondable term of a revitalization  
1825 project described in Subsection (10)(c), the city shall transfer at least 50%, and may  
1826 transfer up to 100%, of any revenue the city receives from a distribution under  
1827 Subsection (4)(b) to a convention center public infrastructure district created in  
1828 accordance with Section 17D-4-202.1 for revitalization of a convention center owned by  
1829 the county within a city of the first class and surrounding revitalization projects related  
1830 to the convention center as permitted in Subsection (10)(c).

- 1831 (14)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
 1832 required to, submit an opinion question to the county's registered voters in  
 1833 accordance with Section 59-12-2208 to impose a sales and use tax under this section.
- 1834 (b) If a county passes an ordinance to impose a sales and use tax as described in this  
 1835 section, the sales and use tax shall take effect on the first day of the calendar quarter  
 1836 after a 90-day period that begins on the date the commission receives written notice  
 1837 from the county of the passage of the ordinance.
- 1838 (c) A county that imposed the local option sales and use tax described in this section  
 1839 before January 1, 2023, may maintain that county's distribution allocation in place as  
 1840 of January 1, 2023.
- 1841 (15)(a) Revenue collected from a sales and use tax under this section may not be used to  
 1842 supplant existing General Fund appropriations that a county, city, or town budgeted  
 1843 for transportation or public transit as of the date the tax becomes effective for a  
 1844 county, city, or town.
- 1845 (b) The limitation under Subsection (15)(a) does not apply to a designated transportation  
 1846 or public transit capital or reserve account a county, city, or town established before  
 1847 the date the tax becomes effective.
- 1848 Section 10. Section **63B-31-101** is amended to read:
- 1849 **63B-31-101 (Effective 05/06/26). General obligation bonds -- Maximum amount**  
 1850 **-- Use of proceeds for projects.**
- 1851 (1)(a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued  
 1852 under this section may not exceed \$264,000,000 for acquisition and construction  
 1853 proceeds, plus additional amounts as provided in Subsection (1)(b).
- 1854 (b) When the Department of Transportation certifies to the commission the amount of  
 1855 bond proceeds needed to provide funding for the projects described in this section,  
 1856 the commission may issue and sell general obligation bonds in an amount equal to  
 1857 the certified amount, plus additional amounts necessary to pay costs of issuance, to  
 1858 pay capitalized interest, and to fund any existing debt service reserve requirements,  
 1859 not to exceed 1% of the certified amount.
- 1860 (c) The commission may not issue general obligation bonds authorized under this  
 1861 section if the issuance of the general obligation bonds would result in the total current  
 1862 outstanding general obligation debt of the state exceeding 50% of the limitation  
 1863 described in the Utah Constitution, Article XIV, Section 1.
- 1864 (2) Proceeds from the bonds issued under this section shall be provided to the Department

- 1865 of Transportation to pay for, or to provide funds in accordance with this section to pay  
1866 for, the costs of right-of-way acquisition, construction, reconstruction, renovations, or  
1867 improvements with respect to projects described in this section.
- 1868 (3) It is the intent of the Legislature that as transportation projects are prioritized under  
1869 Section 72-2-124, the Transportation Commission give consideration to projects beyond  
1870 the normal programming horizon.
- 1871 (4)(a) [~~Two hundred thirty-two~~] Five hundred thirty million dollars of the proceeds of  
1872 bonds issued under this section shall be used to double track strategic sections of the  
1873 FrontRunner commuter rail system, to be repaid from the Transit Transportation  
1874 Investment Fund under Subsection 72-2-124(10).
- 1875 (b) The issuance of the bonds for the purpose described in Subsection (4)(a) is  
1876 contingent upon the establishment of an agreement between the Department of  
1877 Transportation and the Utah Transit Authority whereby the Utah Transit Authority  
1878 agrees to pay \$5,000,000 per year for 15 years toward repayment of the bonds.
- 1879 (5)(a) Twenty-nine million dollars of the proceeds of bonds issued under this section  
1880 shall be provided to the Department of Transportation to pass through to Brigham  
1881 City to be used for a Forest Street rail bridge project in Brigham City.
- 1882 (b) Payments shall be made from the Rail Transportation Restricted Account created in  
1883 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(c), in  
1884 the amount per year of the principal and interest payments due under the bonds  
1885 issued under Subsection (5)(a) until those bonds have been repaid in full.
- 1886 (6)(a) Three million dollars of the proceeds of bonds issued under this section shall be  
1887 provided to the Department of Transportation to pass through to the city of North Salt  
1888 Lake for an environmental study for a grade separation at 1100 North in North Salt  
1889 Lake.
- 1890 (b) Payments shall be made from the Rail Transportation Restricted Account created in  
1891 Section 72-2-131, from the amount designated under Subsection 72-2-131(4)(b), in  
1892 the amount per year of the principal and interest payments due under the bonds  
1893 issued under Subsection (6)(a) until those bonds have been repaid in full.
- 1894 (7) The costs under Subsection (2) may include the costs of studies necessary to make  
1895 transportation infrastructure improvements, the costs of acquiring land, interests in land,  
1896 and easements and rights-of-way, the costs of improving sites and making all  
1897 improvements necessary, incidental, or convenient to the facilities, and the costs of  
1898 interest estimated to accrue on these bonds during the period to be covered by

1899 construction of the projects plus a period of six months after the end of the construction  
 1900 period, interest estimated to accrue on any bond anticipation notes issued under the  
 1901 authority of this title, and all related engineering, architectural, and legal fees.

1902 (8) The commission or the state treasurer may make any statement of intent relating to a  
 1903 reimbursement that is necessary or desirable to comply with federal tax law.

1904 (9) The Department of Transportation may enter into agreements related to the projects  
 1905 described in Subsection (4) before the receipt of proceeds of bonds issued under this  
 1906 section.

1907 Section 11. Section **63I-1-272** is amended to read:

1908 **63I-1-272 (Effective 05/06/26). Repeal dates: Title 72.**

1909 [~~(1) Subsection 72-1-217(4), regarding highway reduction strategies within Salt Lake City,~~  
 1910 ~~is repealed July 1, 2029.]~~

1911 [~~(2) (1) Section 72-2-134, Transportation Infrastructure General Fund Support Subfund, is~~  
 1912 ~~repealed July 1, 2028.~~]

1913 [~~(3) (2) Title 72, Chapter 4, Part 3, Utah State Scenic Byway Program, is repealed January~~  
 1914 ~~2, 2030.~~]

1915 [~~(4) (3) Title 72, Chapter 10, Part 13, Spaceport Exploration Committee, is repealed July 1,~~  
 1916 ~~2027.~~]

1917 Section 12. Section **72-1-102** is amended to read:

1918 **72-1-102 (Effective 05/06/26). Definitions.**

1919 As used in this title:

1920 (1) "Circulator alley" means a publicly owned passageway:

1921 (a) with a right-of-way width of 20 feet or greater;

1922 (b) located within a master planned community;

1923 (c) established by the city having jurisdictional authority as part of the street network for  
 1924 traffic circulation that may also be used for:

1925 (i) garbage collection;

1926 (ii) access to residential garages; or

1927 (iii) access rear entrances to a commercial establishment; and

1928 (d) constructed with a bituminous or concrete pavement surface.

1929 (2) "Commission" means the Transportation Commission created under Section 72-1-301.

1930 (3) "Construction" means the construction, reconstruction, replacement, and improvement  
 1931 of the highways, including the acquisition of rights-of-way and material sites.

1932 (4) "Department" means the Department of Transportation created in Section 72-1-201.

- 1933 (5) "Executive director" means the executive director of the department appointed under  
1934 Section 72-1-202.
- 1935 (6) "Farm tractor" [~~has the meaning set forth~~] means the same as that term is defined in  
1936 Section 41-1a-102.
- 1937 (7) "Federal aid primary highway" means that portion of connected main highways located  
1938 within this state officially designated by the department and approved by the United  
1939 States Secretary of Transportation under Title 23, Highways, U.S.C.
- 1940 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 1941 (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct  
1942 a public transit fixed guideway facility that will add capacity to a fixed guideway  
1943 public transit facility.
- 1944 (b) "Fixed guideway capital development" includes:
- 1945 (i) a project to strategically double track commuter rail lines; and
- 1946 (ii) a project to develop and construct public transit facilities and related  
1947 infrastructure pertaining to the Point of the Mountain State Land Authority created  
1948 in Section 11-59-201.
- 1949 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.
- 1950 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,  
1951 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned  
1952 to the public, or made [-]public in an action for the partition of real property, including  
1953 the entire area within the right-of-way.
- 1954 (12) "Highway authority" means the department or the legislative, executive, or governing  
1955 body of a county or municipality.
- 1956 (13) "Housing and transit reinvestment zone" means the same as that term is defined in  
1957 Section 63N-3-602.
- 1958 (14) "Implement of husbandry" [~~has the meaning set forth~~] means the same as that term is  
1959 defined in Section 41-1a-102.
- 1960 (15) "Interstate system" means any highway officially designated by the department and  
1961 included as part of the national interstate and defense highways, as provided in the  
1962 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.
- 1963 (16) "Large public transit district" means the same as that term is defined in Section  
1964 17B-2a-802.
- 1965 (17) "Limited-access facility" means a highway especially designated for through traffic,  
1966 and over, from, or to which neither owners nor occupants of abutting lands nor other

- 1967 persons have any right or easement, or have only a limited right or easement of access,  
 1968 light, air, or view.
- 1969 (18) "Master planned community" means a land use development:  
 1970 (a) designated by the city as a master planned community; and  
 1971 (b) comprised of a single development agreement for a development larger than 500  
 1972 acres.
- 1973 (19) "Motor vehicle" [~~has the same meaning set forth~~] means the same as that term is defined  
 1974 in Section 41-1a-102.
- 1975 (20) "Municipality" [~~has the same meaning set forth~~] means the same as that term is defined  
 1976 in Section 10-1-104.
- 1977 (21) "National highway systems highways" means that portion of connected main highways  
 1978 located within this state officially designated by the department and approved by the  
 1979 United States Secretary of Transportation under Title 23, Highways, U.S.C.
- 1980 (22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and  
 1981 maintained by the department where drivers, vehicles, and vehicle loads are checked  
 1982 or inspected for compliance with state and federal laws as specified in Section  
 1983 72-9-501.
- 1984 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.
- 1985 (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties  
 1986 specified in Section 72-9-501.
- 1987 (24) "Public transit" means the same as that term is defined in Section 17B-2a-802.
- 1988 (25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot,  
 1989 passenger loading or unloading zone, parking lot, or other facility:  
 1990 (a) leased by or operated by or on behalf of a public transit district; and  
 1991 (b) related to the public transit services provided by the district, including:  
 1992 (i) railway or other right-of-way;  
 1993 (ii) railway line; and  
 1994 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled  
 1995 by a transit vehicle.
- 1996 (26) "Right-of-way" means real property or an interest in real property, usually in a strip,  
 1997 acquired for or devoted to state transportation purposes.
- 1998 (27) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or  
 1999 proposals in addition to bids or proposals manually sealed and submitted.
- 2000 (28) "Semitrailer" [~~has the meaning set forth~~] means the same as that term is defined in

- 2001 Section 41-1a-102.
- 2002 (29) "SR" means state route and [~~has the same meaning as state highway as~~] means the same
- 2003 as the term "state highway" is defined in this section.
- 2004 (30) "State highway" means those highways designated as state highways in Title 72,
- 2005 Chapter 4, Designation of State Highways Act.
- 2006 (31) "State transportation purposes" [~~has the meaning set forth~~] means the same as that term
- 2007 is defined in Section 72-5-102.
- 2008 (32) "State transportation systems" means all streets, alleys, roads, highways, pathways, and
- 2009 thoroughfares of any kind, including connected structures, airports, aerial corridor
- 2010 infrastructure, spaceports, public transit facilities, and all other modes and forms of
- 2011 conveyance used by the public.
- 2012 (33) "Trailer" [~~has the meaning set forth~~] means the same as that term is defined in Section
- 2013 41-1a-102.
- 2014 (34)(a) "Transportation corridor" means the path or proposed path of a transportation
- 2015 facility that exists or that may exist in the future.
- 2016 (b) "Transportation corridor" may include:
- 2017 (i) the land occupied or that may be occupied by a transportation facility; and
- 2018 (ii) any other land that may be needed for expanding, operating, or controlling access
- 2019 to the transportation facility.
- 2020 (35) "Transportation facility" means:
- 2021 (a) a highway; or
- 2022 (b) a fixed guideway.
- 2023 (36) "Transportation reinvestment zone" means a transportation reinvestment zone created [~~pursuant to~~]
- 2024 in accordance with Section 11-13-227.
- 2025 (37) "Truck tractor" [~~has the meaning set forth~~] means the same as that term is defined in
- 2026 Section 41-1a-102.
- 2027 (38) "UDOT" means the Utah Department of Transportation.
- 2028 (39)(a) "Utah trail network" means a system of paved or other hard-surface trails
- 2029 designated by the department that:
- 2030 (i) serves a regional transportation purpose; and
- 2031 (ii) is included in the department's Utah Trail Network master plan.
- 2032 (b) "Utah trail network" includes:
- 2033 (i) the full width of the trail surface and all land and structures necessary to support
- 2034 the trail; and

2035 (ii) trailheads and amenities designated by the department that are contiguous to or  
 2036 adjacent to the designated trail.

2037 [~~(39)~~] (40) "Vehicle" [~~has the same meaning set forth~~] means the same as that term is defined  
 2038 in Section 41-1a-102.

2039 Section 13. Section **72-1-202** is amended to read:

2040 **72-1-202 (Effective 05/06/26). Executive director of department -- Appointment**  
 2041 **-- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**

2042 (1)(a) The governor, with the advice and consent of the Senate, shall appoint an  
 2043 executive director to be the chief executive officer of the department.

2044 (b) The executive director shall be a registered professional engineer and qualified  
 2045 executive with technical and administrative experience and training appropriate for  
 2046 the position.

2047 (c) The executive director shall remain in office until a successor is appointed.

2048 (d) The executive director may be removed by the governor.

2049 (2) In addition to the other functions, powers, duties, rights, and responsibilities prescribed  
 2050 in this chapter, the executive director shall:

2051 (a) have responsibility for the administrative supervision of the state transportation  
 2052 systems and the various operations of the department;

2053 (b) have the responsibility for the implementation of rules, priorities, and policies  
 2054 established by the department and the commission;

2055 (c) have the responsibility for the oversight and supervision of any transportation project  
 2056 for which state funds are expended;

2057 (d) have the authority to determine funding priorities during a natural disaster as  
 2058 described in Section 72-1-219;

2059 [~~(d)~~] (e) have full power to bring suit in courts of competent jurisdiction in the name of  
 2060 the department as the executive director considers reasonable and necessary for the  
 2061 proper attainment of the goals of this chapter;

2062 (e) (f) receive a salary, to be established by the governor within the salary range fixed  
 2063 by the Legislature in Title 67, Chapter 22, State Officer Compensation, together with  
 2064 actual traveling expenses while away from the executive director's office on official  
 2065 business;

2066 (f) (g) purchase all equipment, services, and supplies necessary to achieve the  
 2067 department's functions, powers, duties, rights, and responsibilities delegated under  
 2068 Section 72-1-201;

2069           ~~[(g)]~~ (h) have the responsibility to determine whether a purchase from, contribution to, or  
2070           other participation with a public entity or association of public entities in a pooled  
2071           fund program to acquire, develop, or share information, data, reports, or other  
2072           services related to the department's mission are procurement items under Title 63G,  
2073           Chapter 6a, Utah Procurement Code;

2074           ~~[(h)]~~ (i) have responsibility for administrative supervision of the Comptroller Division,  
2075           the Internal Audit Division, and the Communications Division; and

2076           ~~[(i)]~~ (j) appoint assistants, to serve at the discretion of the executive director, to  
2077           administer the divisions of the department.

2078           (3) The executive director may employ other assistants and advisers as the executive  
2079           director finds necessary and fix salaries in accordance with the salary standards adopted  
2080           by the Division of Human Resource Management.

2081           Section 14. Section **72-1-207** is amended to read:

2082           **72-1-207 (Effective 05/06/26). Department may sue and be sued -- Legal adviser**  
2083 **of department -- Partial waiver of Eleventh Amendment immunity.**

2084           (1) The department may sue, and it may be sued only on written contracts made by it or  
2085           under its authority.

2086           (2) The department may sue in the name of the state.

2087           (3) In all matters requiring legal advice in the performance of ~~[its]~~ the commission's or the  
2088 department's duties and in the prosecution or defense of any action growing out of the  
2089 performance of ~~[its]~~ the commission's or the department's duties, the attorney general is  
2090 the legal adviser of the commission, and the department, and shall perform any and all  
2091 legal services required by the commission and the department without other  
2092 compensation than ~~[his]~~ the attorney general's salary.

2093           (4) Upon request of the department, the attorney general shall aid in any investigation,  
2094 hearing, or trial under the provisions of Chapter 9, Motor Carrier Safety Act, and  
2095 institute and prosecute actions or proceedings for the enforcement of the provisions of  
2096 the Constitution and statutes of this state or any rule or order of the department affecting  
2097 motor carriers of persons and property.

2098           (5)(a) The state waives its immunity under the 11th Amendment of the United States  
2099 Constitution and consents to suit in a federal court for lawsuits arising out of the  
2100 department's compliance, discharge, or enforcement of responsibilities assumed [  
2101 ~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327.

2102           (b) The waiver of immunity under this Subsection (5) is valid only if:

- 2103 (i) the executive director or the executive director's designee executes a memorandum  
 2104 of understanding with the United States Department of Transportation accepting  
 2105 the jurisdiction of the federal courts as required by 23 U.S.C. Secs. 326(c) and  
 2106 327(c);
- 2107 (ii) before execution of the memorandum of understanding under Subsection (5)(b)(i),  
 2108 the attorney general has issued an opinion letter to the executive director and the [  
 2109 ~~administrator of the Federal Highway Administration~~] relevant administrator  
 2110 within the United States Department of Transportation that the memorandum of  
 2111 understanding and the waiver of immunity are valid and binding upon the state;
- 2112 (iii) the act or omission that is the subject of the lawsuit arises out of or relates to  
 2113 compliance, discharge, or enforcement of responsibilities assumed by the  
 2114 department [~~pursuant to~~] in accordance with 23 U.S.C. Secs. 326 and 327; and
- 2115 (iv) the memorandum of understanding is in effect when the act or omission that is  
 2116 the subject of the federal lawsuit occurred.

2117 Section 15. Section **72-1-213.1** is amended to read:

2118 **72-1-213.1 (Effective 05/06/26). Road usage charge program.**

2119 (1) As used in this section:

- 2120 (a) "Account manager" means an entity under contract with the department to administer  
 2121 and manage the road usage charge program.
- 2122 (b) "Alternative fuel vehicle" means:
- 2123 (i) an electric motor vehicle as defined in Section 41-1a-102; or  
 2124 (ii) a motor vehicle powered exclusively by a fuel other than:
- 2125 (A) motor fuel;  
 2126 (B) diesel fuel;  
 2127 (C) natural gas; or  
 2128 (D) propane.
- 2129 (c) "Payment period" means the interval during which an owner is required to report  
 2130 mileage and pay the appropriate road usage charge according to the terms of the  
 2131 program.
- 2132 (d) "Program" means the road usage charge program established and described in this  
 2133 section.
- 2134 (e) "Road usage charge cap" means the maximum fee charged to a participant in the  
 2135 program for a registration period.
- 2136 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the

- 2137 program.
- 2138 (2) There is established a road usage charge program as described in this section.
- 2139 (3)(a) The department shall implement and oversee the administration of the program,  
2140 which shall begin on January 1, 2020.
- 2141 (b) To implement and administer the program, the department may contract with an  
2142 account manager.
- 2143 (4)(a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the  
2144 alternative fuel vehicle in the program.
- 2145 (b) If an application for enrollment into the program is approved by the department, the  
2146 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of  
2147 paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 2148 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
2149 consistent with this section, the department:
- 2150 (a) shall make rules to establish:
- 2151 (i) processes and terms for enrollment into and withdrawal or removal from the  
2152 program;
- 2153 (ii) payment periods and other payment methods and procedures for the program;
- 2154 (iii) standards for mileage reporting mechanisms for an owner or lessee of an  
2155 alternative fuel vehicle to report mileage as part of participation in the program;
- 2156 (iv) standards for program functions for mileage recording, payment processing,  
2157 account management, and other similar aspects of the program;
- 2158 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner  
2159 and an account manager for participation in the program;
- 2160 (vi) contractual terms between the department and an account manager, including  
2161 authority for an account manager to enforce the terms of the program;
- 2162 (vii) procedures to provide security and protection of personal information and data  
2163 connected to the program, and penalties for account managers for violating  
2164 privacy protection rules;
- 2165 (viii) penalty procedures for a program participant's failure to pay a road usage  
2166 charge or tampering with a device necessary for the program; and
- 2167 (ix) department oversight of an account manager, including privacy protection of  
2168 personal information and access and auditing capability of financial and other  
2169 records related to administration of the program; and
- 2170 (b) may make rules to establish:

- 2171 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the  
2172 program;
- 2173 (ii) a process for collection of an unpaid road usage charge or penalty; or  
2174 (iii) integration of the program with other similar programs, such as tolling.
- 2175 (6) Revenue generated by the road usage charge program and relevant penalties shall be  
2176 deposited into the Road Usage Charge Program Special Revenue Fund.
- 2177 (7)(a) The department may:
- 2178 (i)(A) impose a penalty for failure to timely pay a road usage charge according to  
2179 the terms of the program or tampering with a device necessary for the program;  
2180 and
- 2181 (B) request that the Division of Motor Vehicles place a hold on the registration of  
2182 the owner's or lessee's alternative fuel vehicle for failure to pay a road usage  
2183 charge or penalty according to the terms of the program;
- 2184 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the  
2185 owner or lessee of:
- 2186 (A) the road usage charge program, implementation, and procedures;  
2187 (B) an unpaid road usage charge and the amount of the road usage charge to be  
2188 paid to the department;
- 2189 (C) the penalty for failure to pay a road usage charge within the time period  
2190 described in Subsection (7)(a)(iii); and
- 2191 (D) a hold being placed on the owner's or lessee's registration for the alternative  
2192 fuel vehicle, if the road usage charge and penalty are not paid within the time  
2193 period described in Subsection (7)(a)(iii), which would prevent the renewal of  
2194 the alternative fuel vehicle's registration; and
- 2195 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage  
2196 charge to the department within 30 days of the date when the department sends  
2197 written notice of the road usage charge to the owner or lessee.
- 2198 (b) The department shall send the correspondence and notice described in Subsection  
2199 (7)(a) to the owner of the alternative fuel vehicle according to the terms of the  
2200 program.
- 2201 (8)(a) The Division of Motor Vehicles and the department shall share and provide access  
2202 to information pertaining to an alternative fuel vehicle and participation in the  
2203 program including:
- 2204 (i) registration and ownership information pertaining to an alternative fuel vehicle;

- 2205 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to  
2206 pay a road usage charge or penalty imposed under this section within the time  
2207 period described in Subsection (7)(a)(iii); and
- 2208 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
- 2209 (b) If the department requests a hold on the registration in accordance with this section,  
2210 the Division of Motor Vehicles may not renew the registration of a motor vehicle  
2211 under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the  
2212 hold request.
- 2213 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or  
2214 withdraw from the program according to the terms established by the department [  
2215 ~~pursuant to~~] in accordance with rules made under Subsection (5).
- 2216 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 2217 (a) report mileage driven as required by the department [~~pursuant to~~] in accordance with  
2218 Subsection (5);
- 2219 (b) pay the road usage fee for each payment period in accordance with Subsection (5);  
2220 and
- 2221 (c) comply with all other provisions of this section and other requirements of the  
2222 program.
- 2223 (11) The department shall submit annually, on or before October 1, to the Transportation  
2224 Interim Committee, an electronic report that:
- 2225 (a) states for the preceding fiscal year:
- 2226 (i) the amount of revenue collected from the program;
- 2227 (ii) the participation rate in the program; and
- 2228 (iii) the department's costs to administer the program; and
- 2229 (b) provides for the current fiscal year, an estimate of:
- 2230 (i) the revenue that will be collected from the program;
- 2231 (ii) the participation rate in the program; and
- 2232 (iii) the department's costs to administer the program.
- 2233 (12)[~~(a) Beginning on January 1, 2023:~~]
- 2234 [~~(i) the road usage charge rate is 1.0 cent per mile; and~~]
- 2235 [~~(ii) the road usage charge cap is:~~]
- 2236 [~~(A) \$130.25 for an annual registration period; and~~]
- 2237 [~~(B) \$100.75 for a six-month registration period.~~]
- 2238 [~~(b)~~] (a) Beginning on January 1, 2026:

- 2239 (i) the road usage charge rate is 1.25 cents per mile; and
- 2240 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 2241 (A) \$180 for an annual registration period; and
- 2242 (B) \$139 for a six-month registration period.
- 2243 [(e)] (b) Beginning on January 1, 2032:
- 2244 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes
- 2245 a different road usage charge rate in accordance with Subsection (13); and
- 2246 (ii) except as provided in Subsection (12)(c), the road usage charge cap is:
- 2247 (A) \$240 for an annual registration period; and
- 2248 (B) \$185 for a six-month registration period.
- 2249 (c) Beginning on January 1, 2027, for an electric vehicle with a gross combined weight
- 2250 rating of 6,001 pounds or more that is a commercial vehicle, as defined in Section
- 2251 41-1a-102, the road usage charge cap is:
- 2252 (i) \$500 for an annual registration period; and
- 2253 (ii) \$385 for a six-month registration period.
- 2254 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road
- 2255 usage charge rates described in this Subsection (12) by taking the road usage charge
- 2256 rate for the previous year and adding an amount equal to the greater of:
- 2257 (i) an amount calculated by multiplying the road usage charge rate of the previous
- 2258 year by the actual percentage change during the previous fiscal year in the
- 2259 Consumer Price Index as determined by the State Tax Commission; and
- 2260 (ii) 0.
- 2261 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust
- 2262 the road usage charge caps described in this Subsection (12) by taking the road usage
- 2263 charge cap for the previous year and adding an amount equal to the greater of:
- 2264 (i) an amount calculated by multiplying the road usage charge cap of the previous
- 2265 year by the actual percentage change during the previous fiscal year in the
- 2266 Consumer Price Index; and
- 2267 (ii) 0.
- 2268 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the
- 2269 nearest .01 cent.
- 2270 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the
- 2271 nearest 25 cents.
- 2272 (h) On or before January 1 of each year, the department shall publish:

- 2273 (i) the adjusted road usage charge rate described in Subsection (12)(d); and  
2274 (ii) adjusted road usage charge cap described in Subsection (12)(e).  
2275 (13)(a) Beginning January 1, 2032, the commission may establish by rule made in  
2276 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the road  
2277 usage charge rate for each type of alternative fuel vehicle.  
2278 (b)(i) Before making rules in accordance with Subsection (13)(a), the commission  
2279 shall consult with the department regarding the road usage charge rate for each  
2280 type of alternative fuel vehicle.  
2281 (ii) The department shall cooperate with and make recommendations to the  
2282 commission regarding the road usage charge rate for each type of alternative fuel  
2283 vehicle.

2284 Section 16. Section **72-1-217** is amended to read:

2285 **72-1-217 (Effective 05/06/26) (Partially Repealed 07/01/29). Department of**  
2286 **Transportation study items.**

- 2287 (1) The department shall carry out transportation studies described in this section as  
2288 resources allow.  
2289 (2)(a) The department shall study items related to advanced air mobility as described in  
2290 this Subsection (2).  
2291 (b) The department shall study vertiport locations and infrastructure, including:  
2292 (i) identification of suitable locations for vertiport infrastructure and parking  
2293 infrastructure for vertiports in metropolitan areas;  
2294 (ii) identification of commuter rail stations that may be suitable for vertiport  
2295 placement; and  
2296 (iii) identification of underutilized parking lots and parking structures for vertiport  
2297 infrastructure placement.  
2298 (c) The department shall study best practices and implementation of advanced air  
2299 mobility technologies, including:  
2300 (i) seeking input through community engagement;  
2301 (ii) state and local regulations;  
2302 (iii) unmanned aircraft system traffic management; and  
2303 (iv) weather reporting and monitoring for advanced air mobility safety.  
2304 (d) The department shall study unmanned aircraft traffic management infrastructure,  
2305 including:  
2306 (i) unmanned aircraft system traffic management development, implementation,

- 2307 procedures, policies, and infrastructure; and
- 2308 (ii) obtaining a full understanding of unmanned aircraft system traffic management,
- 2309 including:
- 2310 (A) designation of airspace for advanced air mobility;
- 2311 (B) creation of geographic categorical areas;
- 2312 (C) identifying the appropriate number and location of advanced air mobility
- 2313 sensors; and
- 2314 (D) other state specific details regarding unmanned aircraft system traffic
- 2315 management.
- 2316 (e) The department shall study the creation of an advanced air mobility sandbox,
- 2317 including:
- 2318 (i) potential locations for the sandbox testing area and desirable attributes of a
- 2319 suitable sandbox location;
- 2320 (ii) requirements to create a geographical advanced air mobility testing area and the
- 2321 parameters for the types of technology that may be utilized in the testing area; and
- 2322 (iii) testing and studying different types of advanced air mobility transportation of
- 2323 manned and unmanned aerial vehicles, including:
- 2324 (A) aerial vehicle size;
- 2325 (B) aerial vehicles that carry cargo, including medical cargo;
- 2326 (C) commercial aerial vehicles; and
- 2327 (D) public transportation aerial vehicles.
- 2328 (f) On or before September 30, 2023, the department shall provide a report to the
- 2329 Transportation Interim Committee of the department's findings from the study items
- 2330 described in Subsections (2)(b) through (2)(e).
- 2331 (g) The department may only use existing funds to cover the expenses incurred from the
- 2332 study of items described in Subsections (2)(b) through (2)(e).
- 2333 (3)(a) The department and a large public transit district shall jointly study programs
- 2334 offered by government entities related to human services transportation, including:
- 2335 (i) coordinated mobility services;
- 2336 (ii) paratransit services;
- 2337 (iii) nonemergency medical transportation;
- 2338 (iv) youth transportation programs, excluding school bus transportation; and
- 2339 (v) other similar fare-based or fee-based programs provided or coordinated within the
- 2340 boundary of the large public transit district, including those involving the

2341 department, a large public transit district, local governments, or other government  
2342 agencies and nonprofit entities that provide similar services.

2343 (b) The study shall evaluate strategies to consolidate the transportation services  
2344 described in Subsection (3)(a) to improve efficiency and service.

2345 (c) The department and large public transit district shall:

2346 (i) provide a preliminary report on the study to the Transportation Interim Committee  
2347 on or before November 1, 2025; and

2348 (ii) prepare and present recommendations to the Transportation Interim Committee  
2349 on or before November 1, 2026, for the consolidation of the services described in  
2350 Subsection (3)(a).

2351 [~~(4)(a) As used in this Subsection (4):]~~

2352 [~~(i) "City" means Salt Lake City.]~~

2353 [~~(ii) "Highway reduction strategy" means any strategy that has the potential to  
2354 permanently decrease the number of vehicles that can travel on an arterial or a  
2355 collector highway per hour, including:]~~

2356 [~~(A) reducing the number of motorized vehicle travel lanes on an arterial or  
2357 collector highway;]~~

2358 [~~(B) narrowing existing motorized vehicle travel lanes on an arterial or collector  
2359 highway; or]~~

2360 [~~(C) any other strategy that when implemented may increase congestion or impede  
2361 traffic flow for motor vehicles driving on an arterial or collector highway.]~~

2362 [~~(iii) "Mobility and environmental impact analysis" means a study that assesses the  
2363 impacts within the study area of implementing a highway reduction strategy on  
2364 arterial or collector highways, including the impacts to other state and local  
2365 highways, mobility, traffic flow, pedestrian and nonmotorized vehicle flow, the  
2366 economy, public health, quality of life, air quality, maintenance, and operations.]~~

2367 [~~(iv) "Study area" means the area within Salt Lake City that is west of Foothill Drive,  
2368 north of 2100 South, east of I-15, and south of 600 North.]~~

2369 [~~(b)(i) Except as described in Subsection (4)(c), a city may not implement or begin a  
2370 project as part of a highway reduction strategy on an arterial or a collector  
2371 highway within the study area unless the project is part of a mobility plan  
2372 approved by the department as described in this Subsection (4)(b).]~~

2373 [~~(ii) For a mobility plan described under Subsection (4)(b)(i), the city shall:]~~

2374 [~~(A) assess the alternate routes for traffic and impacts on surrounding highways~~

- 2375 due to any lane reduction;]
- 2376 [~~(B) evaluate impacts to vehicle trip time;~~]
- 2377 [~~(C) evaluate impacts to air quality;~~]
- 2378 [~~(D) evaluate the cumulative multimodal and safety impact of the proposed~~
- 2379 ~~highway reduction strategies, including the cumulative impact from previous~~
- 2380 ~~highway reduction strategies implemented over the previous five years;]~~
- 2381 [~~(E) provide options to mitigate negative impacts to vehicle traffic, vehicle trip~~
- 2382 ~~time, air quality, or adjacent travel routes;]~~
- 2383 [~~(F) in collaboration with the department, assess impacts to state highways;]~~
- 2384 [~~(G) proactively seek out and consult with relevant stakeholders, including~~
- 2385 ~~business owners, commuters, and residents impacted by the mobility plan and~~
- 2386 ~~each proposed project within the mobility plan;]~~
- 2387 [~~(H) present the plan in an open and public meeting, including public comment;]~~
- 2388 [~~(I) provide an open house or other event to allow public interaction and feedback~~
- 2389 ~~regarding the impacts of the mobility plan;]~~
- 2390 [~~(J) present the plan to the membership of the city's chamber of commerce and~~
- 2391 ~~other business groups; and]~~
- 2392 [~~(K) provide the plan to the department for the department's review.]~~
- 2393 [~~(iii)(A) After the department receives a complete mobility plan as described in~~
- 2394 ~~Subsection (4)(b)(ii), the department shall determine if the mobility plan and~~
- 2395 ~~each project included in the mobility plan meet the requirements of this section~~
- 2396 ~~and shall approve or reject the plan within two months of receiving the~~
- 2397 ~~mobility plan.]~~
- 2398 [~~(B) As part of the mobility plan, the city shall demonstrate to the department the~~
- 2399 ~~manners in which the city involved and received input from the business~~
- 2400 ~~community, the public, and other stakeholders as required in Subsection~~
- 2401 ~~(4)(b)(ii).]~~
- 2402 [~~(e)(i) The city may begin or continue construction on an arterial or collector~~
- 2403 ~~highway project related to any reduction strategy within the study area if the~~
- 2404 ~~project has been advertised on or before February 25, 2025.]~~
- 2405 [~~(ii)(A) For a project related to any highway reduction strategy that was~~
- 2406 ~~programmed by the department on or before July 1, 2024, but has not been~~
- 2407 ~~advertised on or before February 25, 2025, the department may conduct an~~
- 2408 ~~expedited review of the project.]~~

2409                   ~~[(B) If the department approves a project after an expedited review as described in~~  
 2410                   ~~Subsection (4)(c)(ii)(A), the city may begin or continue construction on the~~  
 2411                   ~~project.]~~

2412           ~~[(d) The department shall, in partnership with the city, conduct a mobility and~~  
 2413           ~~environmental impact analysis to determine the impacts of highway reduction~~  
 2414           ~~strategies within the study area that the city has implemented on or after July 1, 2015,~~  
 2415           ~~or has plans to implement on or before July 1, 2035.]~~

2416           ~~[(e) As part of the mobility and environmental impact analysis, the department shall:]~~

2417           ~~[(i) assess the cumulative impact of each highway reduction strategy within the study~~  
 2418           ~~area that the city has implemented or has plans to implement between July 1,~~  
 2419           ~~2015, and July 1, 2035; and]~~

2420           ~~[(ii) consult with relevant stakeholders, including business owners, commuters, and~~  
 2421           ~~residents impacted by the highway reduction strategy.]~~

2422           ~~[(f) A city subject to a mobility and environmental impact analysis under this Subsection~~  
 2423           ~~(4) shall provide to the department any information the department determines~~  
 2424           ~~necessary for conducting the mobility and environmental impact analysis, including~~  
 2425           ~~any plans that city has adopted or discussed with regards to a highway reduction~~  
 2426           ~~strategy.]~~

2427           ~~[(g)(i) The department shall provide the mobility and environmental impact analysis~~  
 2428           ~~to the Transportation Interim Committee on or before October 15, 2025.]~~

2429           ~~[(ii) The city shall provide a response to the mobility and environmental impact~~  
 2430           ~~analysis to the Transportation Interim Committee on or before November 1, 2025.]~~

2431           ~~[(h)(i) As provided in Section 63I-1-272, this Subsection (4) is subject to a sunset~~  
 2432           ~~review by the Transportation Interim Committee during the 2028 interim.]~~

2433           ~~[(ii) The Transportation Interim Committee may also evaluate the mobility plan~~  
 2434           ~~process described in this Subsection (4) during the 2027 interim.]~~

2435           Section 17. Section **72-1-219** is enacted to read:

2436           **72-1-219 (Effective 05/06/26). Executive director authority during a natural**  
 2437           **disaster.**

2438           (1) As used in this section, "natural disaster" means the same as that term is defined in  
 2439           Section 63G-6a-803.

2440           (2) Subject to Subsection (3), the executive director may determine priorities and funding  
 2441           levels of projects and programs in the state transportation systems during and after a  
 2442           natural disaster.

- 2443 (3) The executive director may only determine priorities and funding levels of a project or  
 2444 program as described in Subsection (2) if:  
 2445 (a) the project or program is necessary to:  
 2446 (i) repair existing transportation infrastructure that was damaged during the natural  
 2447 disaster; or  
 2448 (ii) provide temporary transportation infrastructure or a program that facilitates a  
 2449 response to the natural disaster;  
 2450 (b)(i) the commission is unable to meet in a timely manner to approve the priority  
 2451 and funding level of the projects; and  
 2452 (ii) the executive director makes reasonable efforts to facilitate a meeting of the  
 2453 commission;  
 2454 (c) as soon as practicable, the executive director notifies the governor, Legislature, and  
 2455 commission of a determination described under Subsection (2); and  
 2456 (d) the funding approved by the executive director for the project is less than  
 2457 \$10,000,000.
- 2458 (4) Following a determination described under Subsection (2), the executive director shall  
 2459 ensure that any priorities and funding approved by the executive director is placed on the  
 2460 agenda of the next commission meeting for consideration.
- 2461 (5) The executive director shall report, as requested by the governor, Legislature, or  
 2462 commission, regarding any action taken under Subsection (2).

2463 Section 18. Section **72-2-110** is amended to read:

2464 **72-2-110 (Effective 05/06/26). Funds allocated to class B and class C roads --**  
 2465 **Matching federal funds -- R.S. 2477 rights.**

2466 A county or municipality may:

- 2467 (1) use funds which are allocated to class B and class C roads for matching federal funds  
 2468 for the construction of secondary roads now available or which may later become  
 2469 available in accordance with the provisions of law; [~~and~~]  
 2470 (2) use funds for construction of a park-and-ride facility; and  
 2471 [~~(2)~~] (3) use up to 30% of the class B and class C road funds allocated to the county or  
 2472 municipality to:  
 2473 (a) pay the costs of asserting, defending, or litigating local government rights under R.S.  
 2474 2477 on class B, class C, or class D roads; or  
 2475 (b) maintain class D roads.

2476 Section 19. Section **72-2-121** is amended to read:

- 2477           **72-2-121 (Effective 05/06/26). County of the First Class Highway Projects Fund.**
- 2478           (1) There is created a special revenue fund within the Transportation Fund known as the
- 2479           "County of the First Class Highway Projects Fund."
- 2480           (2) The fund consists of money generated from the following revenue sources:
- 2481           (a) any voluntary contributions received for new construction, major renovations, and
- 2482           improvements to highways within a county of the first class;
- 2483           (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
- 2484           deposited into or transferred to the fund;
- 2485           (c) the portion of the sales and use tax described in Section 59-12-2217 deposited into or
- 2486           transferred to the fund;
- 2487           (d) a portion of the local option highway construction and transportation corridor
- 2488           preservation fee imposed in a county of the first class under Section 41-1a-1222
- 2489           deposited into or transferred to the fund; and
- 2490           (e) the portion of the sales and use tax transferred into the fund as described in
- 2491           Subsections 59-12-2220(4)(a) and 59-12-2220(11)(b).
- 2492           (3)(a) The fund shall earn interest.
- 2493           (b) All interest earned on fund money shall be deposited into the fund.
- 2494           (4) Subject to Subsection (11), the executive director shall use the fund money only:
- 2495           (a) to pay debt service and bond issuance costs for bonds issued under Sections
- 2496           63B-16-102, 63B-18-402, and 63B-27-102;
- 2497           (b) for right-of-way acquisition, new construction, major renovations, and improvements
- 2498           to highways within a county of the first class and to pay any debt service and bond
- 2499           issuance costs related to those projects, including improvements to a highway located
- 2500           within a municipality in a county of the first class where the municipality is located
- 2501           within the boundaries of more than a single county;
- 2502           (c) for the construction, acquisition, use, maintenance, or operation of:
- 2503           (i) an active transportation facility for nonmotorized vehicles;
- 2504           (ii) multimodal transportation that connects an origin with a destination; or
- 2505           (iii) a facility that may include a:
- 2506                (A) pedestrian or nonmotorized vehicle trail;
- 2507                (B) nonmotorized vehicle storage facility;
- 2508                (C) pedestrian or vehicle bridge; or
- 2509                (D) vehicle parking lot or parking structure;
- 2510           (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by

- 2511 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the  
2512 amounts transferred in accordance with Subsection 72-2-124(4)(a)(v);
- 2513 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond  
2514 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the  
2515 projects described in Subsection 63B-18-401(4)(a);
- 2516 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has  
2517 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in  
2518 the fund, to transfer an amount equal to 50% of the revenue generated by the local  
2519 option highway construction and transportation corridor preservation fee imposed  
2520 under Section 41-1a-1222 in a county of the first class:
- 2521 (i) to the legislative body of a county of the first class; and  
2522 (ii) to be used by a county of the first class for:
- 2523 (A) highway construction, reconstruction, or maintenance projects; or  
2524 (B) the enforcement of state motor vehicle and traffic laws;
- 2525 (g) for a fiscal year beginning on or after July 1, 2015, after the department has verified  
2526 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund  
2527 and the transfer under Subsection (4)(e) has been made, to annually transfer an  
2528 amount of the sales and use tax revenue imposed in a county of the first class and  
2529 deposited into the fund in accordance with Subsection 59-12-2214(3)(b) equal to an  
2530 amount needed to cover the debt to:
- 2531 (i) the appropriate debt service or sinking fund for the repayment of bonds issued  
2532 under Section 63B-27-102; and  
2533 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued  
2534 under Sections 63B-31-102 and 63B-31-103;
- 2535 (h) after the department has verified that the amount required under Subsection  
2536 72-2-121.3(4)(c) is available in the fund and after the transfer under Subsection (4)(d),  
2537 the payment under Subsection (4)(e), and the transfer under Subsection (4)(g)(i) has  
2538 been made, to annually transfer \$2,000,000 to a public transit district in a county of  
2539 the first class to fund a system for public transit;
- 2540 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
2541 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund  
2542 and after the transfer under Subsection (4)(d), the payment under Subsection (4)(e),  
2543 and the transfer under Subsection (4)(g)(i) has been made, through fiscal year 2027,  
2544 to annually transfer 20%, and beginning with fiscal year 2028, and each year

- 2545 thereafter for 20 years, to annually transfer 33% of the amount deposited into the  
2546 fund under Subsection (2)(b) to the legislative body of a county of the first class for  
2547 the following purposes:
- 2548 (i) to fund parking facilities in a county of the first class that facilitate significant  
2549 economic development and recreation and tourism within the state; and
  - 2550 (ii) to be used for purposes allowed in Section 17-78-702;
- 2551 (j) subject to Subsection (5), for a fiscal year beginning on or after July 1, 2021, and for  
2552 15 years thereafter, to annually transfer the following amounts to the following cities  
2553 and the county of the first class for priority projects to mitigate congestion and  
2554 improve transportation safety:
- 2555 (i) \$2,000,000 to Sandy;
  - 2556 (ii) \$2,300,000 to Taylorsville;
  - 2557 (iii) \$1,100,000 to Salt Lake City;
  - 2558 (iv) \$1,100,000 to West Jordan;
  - 2559 (v) \$1,100,000 to West Valley City;
  - 2560 (vi) \$800,000 to Herriman;
  - 2561 (vii) \$700,000 to Draper;
  - 2562 (viii) \$700,000 to Riverton;
  - 2563 (ix) \$700,000 to South Jordan;
  - 2564 (x) \$500,000 to Bluffdale;
  - 2565 (xi) \$500,000 to Midvale;
  - 2566 (xii) \$500,000 to Millcreek;
  - 2567 (xiii) \$500,000 to Murray;
  - 2568 (xiv) \$400,000 to Cottonwood Heights; and
  - 2569 (xv) \$300,000 to Holladay;
- 2570 (k) for the 2024-25, 2025-26, and 2026-27 fiscal years, and subject to revenue balances  
2571 after the distributions under Subsection (4)(j), to reimburse the following  
2572 municipalities for the amounts and projects indicated, as each project progresses and  
2573 as revenue balances allow:
- 2574 (i) \$3,200,000 to South Jordan for improvements to Bingham Rim Road from  
2575 Grandville Avenue to Mountain View Corridor;
  - 2576 (ii) \$1,960,000 to Midvale for improvements to Center Street between State Street  
2577 and 700 West;
  - 2578 (iii) \$3,500,000 to Salt Lake City for first and last mile public transit improvements

- 2579 throughout Salt Lake City;
- 2580 (iv) \$1,500,000 to Cottonwood Heights for improvements to Fort Union Boulevard  
2581 and 2300 East;
- 2582 (v) \$3,450,000 to Draper for improvements to Bangerter Highway between 13800  
2583 South and I-15;
- 2584 (vi) \$10,500,000 to Herriman to construct a road between U-111 and 13200 South;
- 2585 (vii) \$3,000,000 to West Jordan for improvements to 1300 West;
- 2586 (viii) \$1,050,000 to Riverton for improvements to the Welby Jacob Canal Trail  
2587 between 11800 South and 13800 South;
- 2588 (ix) \$3,500,000 to Taylorsville for improvements to Bangerter Highway and 4700  
2589 South;
- 2590 (x) \$470,000 to the department for construction of a sound wall on Bangerter  
2591 Highway at approximately 11200 South;
- 2592 (xi) \$1,250,000 to Murray for improvements to Murray Boulevard between 4800  
2593 South and 5300 South;
- 2594 (xii) \$1,840,000 to Magna for construction and improvements to 8400 West and 4100  
2595 South;
- 2596 (xiii) \$1,000,000 to South Jordan for construction of arterial roads connecting U-111  
2597 and Old Bingham Highway;
- 2598 (xiv) \$1,200,000 to Millcreek for reconstruction of and improvements to 2000 East  
2599 between 3300 South and Atkin Avenue;
- 2600 (xv) \$1,230,000 to Holladay for improvements to Highland Drive between Van  
2601 Winkle Expressway and Arbor Lane;
- 2602 (xvi) \$1,000,000 to Taylorsville for improvements to 4700 South at the I-215  
2603 interchange;
- 2604 (xvii) \$3,750,000 to West Valley City for improvements to 4000 West between 4100  
2605 South and 4700 South and improvements to 4700 South from 4000 West to  
2606 Bangerter Highway;
- 2607 (xviii) [~~\$1,700,000~~] \$3,700,000 to South Jordan for improvements to Prosperity Road  
2608 between Crimson View Drive and Copper Hawk Drive;
- 2609 (xix) \$2,300,000 to West Valley City for a road connecting U-111 at approximately  
2610 6200 South, then east and turning north and connecting to 5400 South;
- 2611 (xx) \$1,400,000 to Magna for improvements to 8000 West between 3500 South to  
2612 4100 South;

- 2613 (xxi) \$1,300,000 to Taylorsville for improvements on 4700 South between Redwood  
2614 Road and 2700 West; [~~and~~]
- 2615 (xxii) \$3,000,000 to West Jordan for improvements to 1300 West between 6600  
2616 South and 7800 South; and
- 2617 (xxiii) \$2,000,000 to West Valley City for a highway widening project on 1300 West  
2618 between 3300 South and 3900 South; and
- 2619 (l) for a fiscal year beginning on or after July 1, 2026, and for 15 years thereafter, to pay  
2620 debt service and bond issuance costs for \$70,000,000 of the bonds issued under  
2621 Section 63B-34-201 for the grants awarded under Part 5, Affordable Housing  
2622 Infrastructure Grants.
- 2623 (5)(a) If revenue in the fund is insufficient to satisfy all of the transfers described in  
2624 Subsection (4)(j), the executive director shall proportionately reduce the amounts  
2625 transferred as described in Subsection (4)(j).
- 2626 (b) A local government may not use revenue described in Subsection (4)(j) to supplant  
2627 existing class B or class C road funds that a local government has budgeted for  
2628 transportation projects.
- 2629 (6) The revenues described in Subsections (2)(b), (c), and (d) that are deposited into the  
2630 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402,  
2631 and 63B-27-102 are considered a local matching contribution for the purposes described  
2632 under Section 72-2-123.
- 2633 (7) The department may expend up to \$3,000,000 of revenue deposited into the account as  
2634 described in Subsection 59-12-2220(11)(b) for public transit innovation grants, as  
2635 provided in Part 4, Public Transit Innovation Grants.
- 2636 (8) The additional administrative costs of the department to administer this fund shall be  
2637 paid from money in the fund.
- 2638 (9) Subject to Subsection (11), and notwithstanding any statutory or other restrictions on  
2639 the use or expenditure of the revenue sources deposited into this fund, the Department of  
2640 Transportation may use the money in this fund for any of the purposes detailed in  
2641 Subsection (4).
- 2642 (10) Subject to Subsection (11), any revenue deposited into the fund as described in  
2643 Subsection (2)(e) shall be used to provide funding or loans for public transit projects,  
2644 operations, and supporting infrastructure in the county of the first class.
- 2645 (11) For the first three years after a county of the first class imposes a sales and use tax  
2646 authorized in Section 59-12-2220, revenue deposited into the fund as described in

2647 Subsection (2)(e) shall be allocated as follows:

- 2648 (a) 10% to the department [~~to construct~~] for an express bus facility on 5600 West; and  
 2649 (b) 90% into the County of the First Class Infrastructure Bank Fund created in Section  
 2650 72-2-302.

2651 (12) A local government that receives an allocation from the fund shall annually provide to  
 2652 the Transportation and Infrastructure Appropriations Subcommittee a report that  
 2653 accounts for the money received, how the money has been spent, and the status of each  
 2654 project for which money was allocated to the local government.

2655 Section 20. Section **72-2-124** is amended to read:

2656 **72-2-124 (Effective 05/06/26) (Superseded 07/01/26). Transportation Investment**  
 2657 **Fund of 2005.**

2658 (1) There is created a capital projects fund entitled the Transportation Investment Fund of  
 2659 2005.

2660 (2) The fund consists of money generated from the following sources:

- 2661 (a) any voluntary contributions received for the maintenance, construction,  
 2662 reconstruction, or renovation of state and federal highways;  
 2663 (b) appropriations made to the fund by the Legislature;  
 2664 (c) registration fees designated under Section 41-1a-1201;  
 2665 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
 2666 59-12-103;  
 2667 (e) revenues transferred to the fund in accordance with Section 72-2-106;  
 2668 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and  
 2669 (g) revenue from bond proceeds described in Section 63B-34-101.

2670 (3)(a) The fund shall earn interest.

2671 (b) All interest earned on fund money shall be deposited into the fund.

2672 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund  
 2673 money to pay:

2674 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
 2675 federal highways prioritized by the Transportation Commission through the  
 2676 prioritization process for new transportation capacity projects adopted under  
 2677 Section 72-1-304;

2678 (ii) the costs of maintenance, construction, reconstruction, or renovation to the  
 2679 highway projects described in Subsections 63B-18-401(2), (3), and (4);

2680 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in

- 2681 Section 72-5-401;
- 2682 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
2683 minus the costs paid from the County of the First Class Highway Projects Fund in  
2684 accordance with Subsection 72-2-121(4)(e);
- 2685 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
2686 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the  
2687 amount certified by Salt Lake County in accordance with Subsection  
2688 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the  
2689 revenue bonds issued by Salt Lake County;
- 2690 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
2691 for projects prioritized in accordance with Section 72-2-125;
- 2692 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
2693 Class Highway Projects Fund created in Section 72-2-121 to be used for the  
2694 purposes described in Section 72-2-121;
- 2695 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
2696 the costs needed for construction, reconstruction, or renovation of paved  
2697 pedestrian or paved nonmotorized transportation for projects that:
- 2698 (A) mitigate traffic congestion on the state highway system;
- 2699 (B) are part of an active transportation plan approved by the department; and
- 2700 (C) are prioritized by the commission through the prioritization process for new  
2701 transportation capacity projects adopted under Section 72-1-304;
- 2702 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
2703 reconstruction, or renovation of or improvement to the following projects:
- 2704 (A) the connector road between Main Street and 1600 North in the city of  
2705 Vineyard;
- 2706 (B) Geneva Road from University Parkway to 1800 South;
- 2707 (C) the SR-97 interchange at 5600 South on I-15;
- 2708 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to  
2709 South Jordan Parkway;
- 2710 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 2711 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 2712 (G) widening I-15 between mileposts 6 and 8;
- 2713 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 2714 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197

- 2715 in Spanish Fork Canyon;
- 2716 (J) I-15 northbound between mileposts 43 and 56;
- 2717 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
- 2718 43 and 45.1;
- 2719 (L) east Zion SR-9 improvements;
- 2720 (M) Toquerville Parkway;
- 2721 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 2722 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
- 2723 for construction of an interchange on Bangerter Highway at 13400 South; and
- 2724 (P) an environmental impact study for Kimball Junction in Summit County;
- 2725 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 2726 costs based upon a statement of cash flow that the local jurisdiction where the
- 2727 project is located provides to the department demonstrating the need for money
- 2728 for the project, for the following projects in the following amounts:
- 2729 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 2730 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 2731 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 2732 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
- 2733 40 between mile markers 7 and 10;
- 2734 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way
- 2735 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road
- 2736 over the railroad and to U.S. Highway 6;
- 2737 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
- 2738 revenue deposited into the fund in accordance with Section 59-12-103, for the
- 2739 following projects:
- 2740 (A) \$3,000,000 for the department to perform an environmental study for the I-15
- 2741 Salem and Benjamin project; and
- 2742 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
- 2743 Dunes Road project; and
- 2744 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
- 2745 right-of-way acquisition and construction for improvements on SR-89 in a county
- 2746 of the first class.
- 2747 (b) The executive director may use fund money to exchange for an equal or greater
- 2748 amount of federal transportation funds to be used as provided in Subsection (4)(a).

- 2749 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may  
2750 not commence until a right-of-way not owned by a federal agency that is required  
2751 for the realignment and extension of U-111, as described in the department's 2023  
2752 environmental study related to the project, is dedicated to the department.
- 2753 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the  
2754 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the  
2755 department may proceed with the project, except that the project will be limited to  
2756 two lanes on U-111 from Herriman Parkway to 11800 South.
- 2757 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of  
2758 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive  
2759 director may not program fund money to a project prioritized by the commission  
2760 under Section 72-1-304, including fund money from the Transit Transportation  
2761 Investment Fund, within the boundaries of the municipality until the department  
2762 receives notification from the Housing and Community Development Division within  
2763 the Department of Workforce Services that ineligibility under this Subsection (5) no  
2764 longer applies to the municipality.
- 2765 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive  
2766 director:
- 2767 (i) may program fund money in accordance with Subsection (4)(a) for a  
2768 limited-access facility or interchange connecting limited-access facilities;
- 2769 (ii) may not program fund money for the construction, reconstruction, or renovation  
2770 of an interchange on a limited-access facility;
- 2771 (iii) may program Transit Transportation Investment Fund money for a  
2772 multi-community fixed guideway public transportation project; and
- 2773 (iv) may not program Transit Transportation Investment Fund money for the  
2774 construction, reconstruction, or renovation of a station that is part of a fixed  
2775 guideway public transportation project.
- 2776 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
2777 director before July 1, 2022, for projects prioritized by the commission under Section  
2778 72-1-304.
- 2779 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of  
2780 ineligibility for a county as described in Subsection 17-80-202(8), the executive  
2781 director may not program fund money to a project prioritized by the commission  
2782 under Section 72-1-304, including fund money from the Transit Transportation

- 2783 Investment Fund, within the boundaries of the unincorporated area of the county until  
2784 the department receives notification from the Housing and Community Development  
2785 Division within the Department of Workforce Services that ineligibility under this  
2786 Subsection (6) no longer applies to the county.
- 2787 (b) Within the boundaries of the unincorporated area of a county described in Subsection  
2788 (6)(a), the executive director:
- 2789 (i) may program fund money in accordance with Subsection (4)(a) for a  
2790 limited-access facility to a project prioritized by the commission under Section  
2791 72-1-304;
- 2792 (ii) may not program fund money for the construction, reconstruction, or renovation  
2793 of an interchange on a limited-access facility;
- 2794 (iii) may program Transit Transportation Investment Fund money for a  
2795 multi-community fixed guideway public transportation project; and
- 2796 (iv) may not program Transit Transportation Investment Fund money for the  
2797 construction, reconstruction, or renovation of a station that is part of a fixed  
2798 guideway public transportation project.
- 2799 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
2800 director before July 1, 2022, for projects prioritized by the commission under Section  
2801 72-1-304.
- 2802 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in  
2803 any fiscal year, the department and the commission shall appear before the Executive  
2804 Appropriations Committee of the Legislature and present the amount of bond  
2805 proceeds that the department needs to provide funding for the projects identified in  
2806 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current  
2807 or next fiscal year.
- 2808 (b) The Executive Appropriations Committee of the Legislature shall review and  
2809 comment on the amount of bond proceeds needed to fund the projects.
- 2810 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount  
2811 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
2812 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt  
2813 service or sinking fund.
- 2814 (9) The executive director may only use money in the fund for corridor preservation as  
2815 described in Subsection (4)(a)(iii):
- 2816 (a) if the project has been prioritized by the commission, including the use of fund

- 2817 money for corridor preservation; or
- 2818 (b) for a project that has not been prioritized by the commission, if the commission:
- 2819 (i) approves the use of fund money for the corridor preservation; and
- 2820 (ii) finds that the use of fund money for corridor preservation will not result in any
- 2821 delay to a project that has been prioritized by the commission.
- 2822 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit
- 2823 Transportation Investment Fund.
- 2824 (b) The fund shall be funded by:
- 2825 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 2826 (ii) appropriations into the account by the Legislature;
- 2827 (iii) deposits of sales and use tax increment related to a housing and transit
- 2828 reinvestment zone as described in Section 63N-3-610;
- 2829 (iv) transfers of local option sales and use tax revenue as described in Subsection
- 2830 59-12-2220(11)(b) or (c);
- 2831 (v) private contributions; and
- 2832 (vi) donations or grants from public or private entities.
- 2833 (c)(i) The fund shall earn interest.
- 2834 (ii) All interest earned on fund money shall be deposited into the fund.
- 2835 (d) [~~Subject to Subsection (10)(e), the~~] The commission may prioritize money from the
- 2836 fund:
- 2837 (i) subject to Subsection (10)(e), for public transit capital development of new
- 2838 capacity projects and fixed guideway capital development projects to be used as
- 2839 prioritized by the commission through the prioritization process adopted under
- 2840 Section 72-1-304;
- 2841 (ii) to the department for oversight of a fixed guideway capital development project
- 2842 for which the department has responsibility;~~[-or]~~
- 2843 (iii) up to \$500,000 per year, to be used for a public transit study~~[-]~~ ; or
- 2844 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
- 2845 term is defined in Section 72-5-401.
- 2846 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
- 2847 money from the fund for a public transit capital development project or pedestrian
- 2848 or nonmotorized transportation project that provides connection to the public
- 2849 transit system if the public transit district or political subdivision provides funds of
- 2850 equal to or greater than 30% of the costs needed for the project.

- 2851 (ii) A public transit district or political subdivision may use money derived from a  
 2852 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide  
 2853 all or part of the 30% requirement described in Subsection (10)(e)(i) if:  
 2854 (A) the loan is approved by the commission as required in Part 2, State  
 2855 Infrastructure Bank Fund; and  
 2856 (B) the proposed capital project has been prioritized by the commission [pursuant  
 2857 to] in accordance with Section 72-1-303.
- 2858 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
 2859 an agreement for a large public transit district to pay the department \$5,000,000 per  
 2860 year for 15 years to be used to facilitate the purchase of zero emissions or low  
 2861 emissions rail engines and trainsets for regional public transit rail systems.
- 2862 (g) For any revenue transferred into the fund in accordance with Subsection  
 2863 59-12-2220(11)(b):  
 2864 (i) the commission may prioritize money from the fund for public transit projects,  
 2865 operations, or maintenance within the county of the first class; and  
 2866 (ii) Subsection (10)(e) does not apply.
- 2867 (h) For any revenue transferred into the fund in accordance with Subsection  
 2868 59-12-2220(11)(c):  
 2869 (i) the commission may prioritize public transit projects, operations, or maintenance  
 2870 in the county from which the revenue was generated; and  
 2871 (ii) Subsection (10)(e) does not apply.
- 2872 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for  
 2873 the project described in Subsection (10)(e) does not apply to a public transit capital  
 2874 development project or pedestrian or nonmotorized transportation project that the  
 2875 department proposes.
- 2876 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may  
 2877 prioritize money from the fund for public transit innovation grants, as defined in  
 2878 Section 72-2-401, for public transit capital development projects requested by a  
 2879 political subdivision within a public transit district.
- 2880 (k) The executive director may only use money in the fund for corridor preservation as  
 2881 described in Subsection (10)(d)(iv):  
 2882 (i) if the project has been prioritized by the commission, including the use of fund  
 2883 money for corridor preservation; or  
 2884 (ii) for a project that has not been prioritized by the commission, if the commission:

- 2885                    (A) approves the use of fund money for the corridor preservation; and  
 2886                    (B) determines that the use of fund money for corridor preservation will not result  
 2887                    in any delay to a project that has been prioritized by the commission.

2888                    (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood  
 2889                    Canyons Transportation Investment Fund.

2890                    (b) The fund shall be funded by:

2891                    (i) money deposited into the fund in accordance with Section 59-12-103;

2892                    (ii) appropriations into the account by the Legislature;

2893                    (iii) private contributions; and

2894                    (iv) donations or grants from public or private entities.

2895                    (c)(i) The fund shall earn interest.

2896                    (ii) All interest earned on fund money shall be deposited into the fund.

2897                    (d) The Legislature may appropriate money from the fund for public transit or  
 2898                    transportation projects in the Cottonwood Canyons of Salt Lake County.

2899                    (e) The department may use up to 2% of the revenue deposited into the account under  
 2900                    Subsection 59-12-103(7)(b) to contract with local governments as necessary for  
 2901                    public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

2902                    (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any  
 2903                    sales and use tax growth over sales and use tax collections during the 2025 fiscal year  
 2904                    to fund projects to provide ingress and egress for a public transit hub, including  
 2905                    construction of the public transit hub, in the Big Cottonwood Canyon area.

2906                    (12)(a) There is created in the Transportation Investment Fund of 2005 the Active  
 2907                    Transportation Investment Fund.

2908                    (b) The fund shall be funded by:

2909                    (i) money deposited into the fund in accordance with Section 59-12-103;

2910                    (ii) appropriations into the account by the Legislature; and

2911                    (iii) donations or grants from public or private entities.

2912                    (c)(i) The fund shall earn interest.

2913                    (ii) All interest earned on fund money shall be deposited into the fund.

2914                    (d) The executive director may only use fund money to pay the costs needed for:

2915                    [~~(i) the planning, design, construction, maintenance, reconstruction, or renovation of~~  
 2916                    ~~paved pedestrian or paved nonmotorized trail projects that:]~~

2917                    [~~(A) are prioritized by the commission through the prioritization process for new~~  
 2918                    ~~transportation capacity projects adopted under Section 72-1-304;]~~



- 2953 (2) The fund consists of money generated from the following sources:
- 2954 (a) any voluntary contributions received for the maintenance, construction,
- 2955 reconstruction, or renovation of state and federal highways;
- 2956 (b) appropriations made to the fund by the Legislature;
- 2957 (c) registration fees designated under Section 41-1a-1201;
- 2958 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 2959 59-12-103;
- 2960 (e) revenues transferred to the fund in accordance with Section 72-2-106;
- 2961 (f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and
- 2962 (g) revenue from bond proceeds described in Section 63B-34-201.
- 2963 (3)(a) The fund shall earn interest.
- 2964 (b) All interest earned on fund money shall be deposited into the fund.
- 2965 (4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund
- 2966 money to pay:
- 2967 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 2968 federal highways prioritized by the Transportation Commission through the
- 2969 prioritization process for new transportation capacity projects adopted under
- 2970 Section 72-1-304;
- 2971 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
- 2972 highway projects described in Subsections 63B-18-401(2), (3), and (4);
- 2973 (iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in
- 2974 Section 72-5-401;
- 2975 (iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 2976 minus the costs paid from the County of the First Class Highway Projects Fund in
- 2977 accordance with Subsection 72-2-121(4)(e);
- 2978 (v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 2979 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
- 2980 amount certified by Salt Lake County in accordance with Subsection
- 2981 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the
- 2982 revenue bonds issued by Salt Lake County;
- 2983 (vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 2984 for projects prioritized in accordance with Section 72-2-125;
- 2985 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 2986 Class Highway Projects Fund created in Section 72-2-121 to be used for the

- 2987 purposes described in Section 72-2-121;
- 2988 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
- 2989 the costs needed for construction, reconstruction, or renovation of paved
- 2990 pedestrian or paved nonmotorized transportation for projects that:
- 2991 (A) mitigate traffic congestion on the state highway system;
- 2992 (B) are part of an active transportation plan approved by the department; and
- 2993 (C) are prioritized by the commission through the prioritization process for new
- 2994 transportation capacity projects adopted under Section 72-1-304;
- 2995 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
- 2996 reconstruction, or renovation of or improvement to the following projects:
- 2997 (A) the connector road between Main Street and 1600 North in the city of
- 2998 Vineyard;
- 2999 (B) Geneva Road from University Parkway to 1800 South;
- 3000 (C) the SR-97 interchange at 5600 South on I-15;
- 3001 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
- 3002 South Jordan Parkway;
- 3003 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 3004 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 3005 (G) widening I-15 between mileposts 6 and 8;
- 3006 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 3007 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
- 3008 in Spanish Fork Canyon;
- 3009 (J) I-15 northbound between mileposts 43 and 56;
- 3010 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
- 3011 43 and 45.1;
- 3012 (L) east Zion SR-9 improvements;
- 3013 (M) Toquerville Parkway;
- 3014 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 3015 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,
- 3016 for construction of an interchange on Bangerter Highway at 13400 South; and
- 3017 (P) an environmental impact study for Kimball Junction in Summit County;
- 3018 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 3019 costs based upon a statement of cash flow that the local jurisdiction where the
- 3020 project is located provides to the department demonstrating the need for money

- 3021 for the project, for the following projects in the following amounts:
- 3022 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 3023 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 3024 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 3025 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
- 3026 40 between mile markers 7 and 10;
- 3027 (xi) \$13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way
- 3028 acquisition, construction, reconstruction, or renovation to connect Fingerhut Road
- 3029 over the railroad and to U.S. Highway 6;
- 3030 (xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from
- 3031 revenue deposited into the fund in accordance with Section 59-12-103, for the
- 3032 following projects:
- 3033 (A) \$3,000,000 for the department to perform an environmental study for the I-15
- 3034 Salem and Benjamin project; and
- 3035 (B) \$2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand
- 3036 Dunes Road project; and
- 3037 (xiii) for a fiscal year beginning on July 1, 2025, up to \$300,000,000 for the costs of
- 3038 right-of-way acquisition and construction for improvements on SR-89 in a county
- 3039 of the first class.
- 3040 (b) The executive director may use fund money to exchange for an equal or greater
- 3041 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 3042 (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may
- 3043 not commence until a right-of-way not owned by a federal agency that is required
- 3044 for the realignment and extension of U-111, as described in the department's 2023
- 3045 environmental study related to the project, is dedicated to the department.
- 3046 (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the
- 3047 project as described in Subsection (4)(c)(i) on or before October 1, 2024, the
- 3048 department may proceed with the project, except that the project will be limited to
- 3049 two lanes on U-111 from Herriman Parkway to 11800 South.
- 3050 (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of
- 3051 ineligibility for a municipality as described in Subsection 10-21-202(8), the executive
- 3052 director may not program fund money to a project prioritized by the commission
- 3053 under Section 72-1-304, including fund money from the Transit Transportation
- 3054 Investment Fund, within the boundaries of the municipality until the department

- 3055 receives notification from the Housing and Community Development Division within  
3056 the Department of Workforce Services that ineligibility under this Subsection (5) no  
3057 longer applies to the municipality.
- 3058 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive  
3059 director:
- 3060 (i) may program fund money in accordance with Subsection (4)(a) for a  
3061 limited-access facility or interchange connecting limited-access facilities;  
3062 (ii) may not program fund money for the construction, reconstruction, or renovation  
3063 of an interchange on a limited-access facility;  
3064 (iii) may program Transit Transportation Investment Fund money for a  
3065 multi-community fixed guideway public transportation project; and  
3066 (iv) may not program Transit Transportation Investment Fund money for the  
3067 construction, reconstruction, or renovation of a station that is part of a fixed  
3068 guideway public transportation project.
- 3069 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
3070 director before July 1, 2022, for projects prioritized by the commission under Section  
3071 72-1-304.
- 3072 (6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of  
3073 ineligibility for a county as described in Subsection 17-80-202(8), the executive  
3074 director may not program fund money to a project prioritized by the commission  
3075 under Section 72-1-304, including fund money from the Transit Transportation  
3076 Investment Fund, within the boundaries of the unincorporated area of the county until  
3077 the department receives notification from the Housing and Community Development  
3078 Division within the Department of Workforce Services that ineligibility under this  
3079 Subsection (6) no longer applies to the county.
- 3080 (b) Within the boundaries of the unincorporated area of a county described in Subsection  
3081 (6)(a), the executive director:
- 3082 (i) may program fund money in accordance with Subsection (4)(a) for a  
3083 limited-access facility to a project prioritized by the commission under Section  
3084 72-1-304;  
3085 (ii) may not program fund money for the construction, reconstruction, or renovation  
3086 of an interchange on a limited-access facility;  
3087 (iii) may program Transit Transportation Investment Fund money for a  
3088 multi-community fixed guideway public transportation project; and

- 3089 (iv) may not program Transit Transportation Investment Fund money for the  
3090 construction, reconstruction, or renovation of a station that is part of a fixed  
3091 guideway public transportation project.
- 3092 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
3093 director before July 1, 2022, for projects prioritized by the commission under Section  
3094 72-1-304.
- 3095 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in  
3096 any fiscal year, the department and the commission shall appear before the Executive  
3097 Appropriations Committee of the Legislature and present the amount of bond  
3098 proceeds that the department needs to provide funding for the projects identified in  
3099 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current  
3100 or next fiscal year.
- 3101 (b) The Executive Appropriations Committee of the Legislature shall review and  
3102 comment on the amount of bond proceeds needed to fund the projects.
- 3103 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount  
3104 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
3105 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt  
3106 service or sinking fund.
- 3107 (9) The executive director may only use money in the fund for corridor preservation as  
3108 described in Subsection (4)(a)(iii):
- 3109 (a) if the project has been prioritized by the commission, including the use of fund  
3110 money for corridor preservation; or
- 3111 (b) for a project that has not been prioritized by the commission, if the commission:
- 3112 (i) approves the use of fund money for the corridor preservation; and
- 3113 (ii) finds that the use of fund money for corridor preservation will not result in any  
3114 delay to a project that has been prioritized by the commission.
- 3115 (10)(a) There is created in the Transportation Investment Fund of 2005 the Transit  
3116 Transportation Investment Fund.
- 3117 (b) The fund shall be funded by:
- 3118 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 3119 (ii) appropriations into the account by the Legislature;
- 3120 (iii) deposits of sales and use tax increment related to a housing and transit  
3121 reinvestment zone as described in Section 63N-3-610;
- 3122 (iv) transfers of local option sales and use tax revenue as described in Subsection

- 3123 59-12-2220(11)(b) or (c);
- 3124 (v) private contributions; and
- 3125 (vi) donations or grants from public or private entities.
- 3126 (c)(i) The fund shall earn interest.
- 3127 (ii) All interest earned on fund money shall be deposited into the fund.
- 3128 (d) ~~[Subject to Subsection (10)(e), the]~~ The commission may prioritize money from the
- 3129 fund:
- 3130 (i) ~~subject to Subsection (10)(e),~~ for public transit capital development of new
- 3131 capacity projects and fixed guideway capital development projects to be used as
- 3132 prioritized by the commission through the prioritization process adopted under
- 3133 Section 72-1-304;
- 3134 (ii) to the department for oversight of a fixed guideway capital development project
- 3135 for which the department has responsibility; or
- 3136 (iii) up to \$500,000 per year, to be used for a public transit study[-] ; or
- 3137 (iv) subject to Subsection (10)(k), to the department for corridor preservation, as that
- 3138 term is defined in Section 72-5-401.
- 3139 (e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize
- 3140 money from the fund for a public transit capital development project or pedestrian
- 3141 or nonmotorized transportation project that provides connection to the public
- 3142 transit system if the public transit district or political subdivision provides funds of
- 3143 equal to or greater than 30% of the costs needed for the project.
- 3144 (ii) A public transit district or political subdivision may use money derived from a
- 3145 loan granted in accordance with Part 2, State Infrastructure Bank Fund, to provide
- 3146 all or part of the 30% requirement described in Subsection (10)(e)(i) if:
- 3147 (A) the loan is approved by the commission as required in Part 2, State
- 3148 Infrastructure Bank Fund; and
- 3149 (B) the proposed capital project has been prioritized by the commission ~~[pursuant~~
- 3150 ~~to]~~ in accordance with Section 72-1-303.
- 3151 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 3152 an agreement for a large public transit district to pay the department \$5,000,000 per
- 3153 year for 15 years to be used to facilitate the purchase of zero emissions or low
- 3154 emissions rail engines and trainsets for regional public transit rail systems.
- 3155 (g) For any revenue transferred into the fund in accordance with Subsection
- 3156 59-12-2220(11)(b):

- 3157 (i) the commission may prioritize money from the fund for public transit projects,  
3158 operations, or maintenance within the county of the first class; and
- 3159 (ii) Subsection (10)(e) does not apply.
- 3160 (h) For any revenue transferred into the fund in accordance with Subsection  
3161 59-12-2220(11)(c):
- 3162 (i) the commission may prioritize public transit projects, operations, or maintenance  
3163 in the county from which the revenue was generated; and
- 3164 (ii) Subsection (10)(e) does not apply.
- 3165 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for  
3166 the project described in Subsection (10)(e) does not apply to a public transit capital  
3167 development project or pedestrian or nonmotorized transportation project that the  
3168 department proposes.
- 3169 (j) In accordance with Part 4, Public Transit Innovation Grants, the commission may  
3170 prioritize money from the fund for public transit innovation grants, as defined in  
3171 Section 72-2-401, for public transit capital development projects requested by a  
3172 political subdivision within a public transit district.
- 3173 (k) The executive director may only use money in the fund for corridor preservation as  
3174 described in Subsection (10)(d)(iv):
- 3175 (i) if the project has been prioritized by the commission, including the use of fund  
3176 money for corridor preservation; or
- 3177 (ii) for a project that has not been prioritized by the commission, if the commission:
- 3178 (A) approves the use of fund money for the corridor preservation; and
- 3179 (B) determines that the use of fund money for corridor preservation will not result  
3180 in any delay to a project that has been prioritized by the commission.
- 3181 (l)(i) The commission may, beginning July 1, 2026, prioritize up to \$3,000,000 from  
3182 the fund to provide bus-replacement funding to one or more public transit  
3183 providers that:
- 3184 (A) have not received funding from the Transit Transportation Investment Fund  
3185 for a new project described in Subsection (10)(e)(i) within the previous 36  
3186 months; and
- 3187 (B) are located in a county of the third, fourth, fifth, or sixth class.
- 3188 (ii) To be eligible for bus-replacement funding under this Subsection (10)(l), the  
3189 public transit provider shall provide a local match as follows:
- 3190 (A) a 50% local match if the county and municipality in which the public transit

3191 provider is located has imposed a total of five of the optional sales and use  
 3192 taxes described in Section 59-12-2203;

3193 (B) a 60% local match if the county and municipality in which the public transit  
 3194 provider is located has imposed a total of four of the optional sales and use  
 3195 taxes described in Section 59-12-2203; or

3196 (C) a 70% local match if the county and municipality in which the public transit  
 3197 provider is located has imposed a total of three or fewer of the optional sales  
 3198 and use taxes described in Section 59-12-2203.

3199 (iii) The department shall determine a process and deadlines for receiving  
 3200 applications for the bus-replacement funding.

3201 (iv) Under this Subsection (10)(l), if total applications for bus-replacement funding  
 3202 exceed \$3,000,000, the commission shall establish a process to prioritize the  
 3203 award of funding.

3204 (11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood  
 3205 Canyons Transportation Investment Fund.

3206 (b) The fund shall be funded by:

3207 (i) money deposited into the fund in accordance with Section 59-12-103;

3208 (ii) appropriations into the account by the Legislature;

3209 (iii) private contributions; and

3210 (iv) donations or grants from public or private entities.

3211 (c)(i) The fund shall earn interest.

3212 (ii) All interest earned on fund money shall be deposited into the fund.

3213 (d) The Legislature may appropriate money from the fund for public transit or  
 3214 transportation projects in the Cottonwood Canyons of Salt Lake County.

3215 (e) The department may use up to 2% of the revenue deposited into the account under  
 3216 Subsection 59-12-103(4)(f) to contract with local governments as necessary for  
 3217 public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

3218 (f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any  
 3219 sales and use tax growth over sales and use tax collections during the 2025 fiscal year  
 3220 to fund projects to provide ingress and egress for a public transit hub, including  
 3221 construction of the public transit hub, in the Big Cottonwood Canyon area.

3222 (12)(a) There is created in the Transportation Investment Fund of 2005 the Active  
 3223 Transportation Investment Fund.

3224 (b) The fund shall be funded by:

- 3225 (i) money deposited into the fund in accordance with Section 59-12-103;
- 3226 (ii) appropriations into the account by the Legislature; and
- 3227 (iii) donations or grants from public or private entities.
- 3228 (c)(i) The fund shall earn interest.
- 3229 (ii) All interest earned on fund money shall be deposited into the fund.
- 3230 (d) The executive director may only use fund money to pay the costs needed for:
- 3231 [~~(i) the planning, design, construction, maintenance, reconstruction, or renovation of~~
- 3232 ~~paved pedestrian or paved nonmotorized trail projects that:]~~
- 3233 [~~(A) are prioritized by the commission through the prioritization process for new~~
- 3234 ~~transportation capacity projects adopted under Section 72-1-304;]~~
- 3235 [~~(B) serve a regional purpose; and]~~
- 3236 [~~(C) are part of an active transportation plan approved by the department or the~~
- 3237 ~~plan described in Subsection (12)(d)(ii);]~~
- 3238 [(ii) the development of a plan for a statewide network of paved pedestrian or paved
- 3239 nonmotorized trails that serve a regional purpose; and]
- 3240 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 3241 Utah trail network projects as prioritized by the commission using the
- 3242 prioritization process described in Section 72-1-304;
- 3243 (ii) the development of a plan for the Utah trail network;
- 3244 (iii) the preservation of future Utah trail network corridor; and
- 3245 [~~(iii)] (iv) the administration of the fund, including staff and overhead costs.~~
- 3246 (13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is
- 3247 defined in Section 63N-3-602.
- 3248 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
- 3249 Subaccount.
- 3250 (c) The subaccount shall be funded by:
- 3251 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 3252 (ii) appropriations into the subaccount by the Legislature;
- 3253 (iii) private contributions; and
- 3254 (iv) donations or grants from public or private entities.
- 3255 (d)(i) The subaccount shall earn interest.
- 3256 (ii) All interest earned on money in the subaccount shall be deposited into the
- 3257 subaccount.
- 3258 (e) As prioritized by the commission through the prioritization process adopted under

3259 Section 72-1-304 or as directed by the Legislature, the department may only use  
 3260 money from the subaccount for projects that improve the state's commuter rail  
 3261 infrastructure, including the building or improvement of grade-separated crossings  
 3262 between commuter rail lines and public highways.

3263 (f) Appropriations made in accordance with this section are nonlapsing in accordance  
 3264 with Section 63J-1-602.1.

3265 Section 22. Section **72-2-131** is amended to read:

3266 **72-2-131 (Effective 05/06/26). Rail Transportation Subaccount -- Grants for**  
 3267 **railroad crossing safety.**

3268 (1) As used in this section, "eligible entity" means:

3269 (a) a public entity, as defined in Section 72-2-301; or

3270 (b) a private entity that is exempt from federal income taxation under Section 501(c)(3),  
 3271 Internal Revenue Code.

3272 (2) There is created in the Transit Transportation Investment Fund, created in Section  
 3273 72-2-124, the Rail Transportation Subaccount.

3274 (3) The subaccount shall be funded by:

3275 (a) appropriations to the subaccount by the Legislature;

3276 (b) private contributions;

3277 (c) donations or grants from public or private entities; and

3278 (d) interest earned on money in the account.

3279 (4) Upon appropriation, the department shall:

3280 (a) use an amount equal to 10% of the money deposited into the subaccount to provide  
 3281 grants in accordance with Subsection (5);

3282 (b) use an amount equal to 10% of the money deposited into the subaccount to pay:

3283 (i) the costs of performing environmental impact studies in connection with

3284 construction, reconstruction, or renovation projects related to railroad crossings on  
 3285 class A, class B, or class C roads; or

3286 (ii) the appropriate debt service or sinking fund for the repayment of bonds issued  
 3287 under Subsection 63B-31-101(6); and

3288 (c) use the remaining money deposited into the subaccount to pay:

3289 (i) the costs of construction, reconstruction, or renovation projects related to:

3290 (A) railroad crossings on class A, class B, or class C roads; or

3291 (B) railroad infrastructure owned by the state that has been damaged or impacted  
 3292 by erosion;

- 3293 (ii) debt service related to a project described in Subsection (4)(b);  
 3294 (iii) the appropriate debt service or sinking fund for the repayment of bonds issued  
 3295 under Subsection 63B-31-101(5); or  
 3296 (iv) ongoing maintenance costs of at-grade crossings between rail lines and public  
 3297 highways.

3298 (5)(a) The department may award grants to one or more eligible entities to be used for  
 3299 the purpose of improving safety at railroad crossings on class A, class B, or class C  
 3300 roads.

3301 (b) An eligible entity may use grant money for any expense related to improving safety  
 3302 at railroad crossings on class A, class B, or class C roads, including:

- 3303 (i) signage; and  
 3304 (ii) safety enhancements to a railroad crossing.

3305 (c) The department shall prioritize, in the following order, grants to applicants that  
 3306 propose projects impacting railroad crossings that:

- 3307 (i) have demonstrated safety concerns, including emergency services access; and  
 3308 (ii) have high levels of vehicular and pedestrian traffic.

3309 Section 23. Section **72-2-201** is amended to read:

3310 **72-2-201 (Effective 05/06/26). Definitions.**

3311 As used in this part:

- 3312 (1) "Fund" means the State Infrastructure Bank Fund created under Section 72-2-202.  
 3313 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,  
 3314 to provide financial assistance for transportation projects or publicly owned  
 3315 infrastructure projects, including:  
 3316 (a) capital reserves and other security for bond or debt instrument financing; or  
 3317 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a  
 3318 public entity to finance transportation projects.  
 3319 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or  
 3320 publicly owned infrastructure project.  
 3321 (4) "Public entity" means a state agency, county, municipality, [-]special district, special  
 3322 service district, an intergovernmental entity organized under state law, an independent  
 3323 entity as defined in Section 63E-1-102, or the military installation development authority  
 3324 created in Section 63H-1-201.  
 3325 (5) "Publicly owned infrastructure project" means a project to improve sewer or water  
 3326 infrastructure that is owned by a public entity.

- 3327 (6) "Transportation project":  
 3328 (a) means a project:  
 3329 (i) to improve a state or local highway;  
 3330 (ii) to improve a public transportation facility or nonmotorized transportation facility;  
 3331 (iii) to construct or improve parking facilities;  
 3332 (iv) that is subject to a transportation reinvestment zone agreement [~~pursuant to~~] in  
 3333 accordance with Section 11-13-227 if the state is party to the agreement; or  
 3334 (v) that is part of a housing and transit reinvestment zone created [~~pursuant to~~] in  
 3335 accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment  
 3336 Zone Act;  
 3337 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,  
 3338 equipping, and fixturing; and  
 3339 (c) may only include a project if the project is part of:  
 3340 (i) the statewide long range plan;  
 3341 (ii) a regional transportation plan of the area metropolitan planning organization if a  
 3342 metropolitan planning organization exists for the area; or  
 3343 (iii) a local government general plan or economic development initiative.

3344 Section 24. Section **72-2-301** is amended to read:

3345 **72-2-301 (Effective 05/06/26). Definitions.**

3346 As used in this part:

- 3347 (1) "Fund" means the County of the First Class Infrastructure Bank Fund created under  
 3348 Section [~~72-2-402~~] 72-2-302.  
 3349 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure loan,  
 3350 to provide financial assistance for transportation projects or publicly owned  
 3351 infrastructure projects, including:  
 3352 (a) capital reserves and other security for bond or debt instrument financing; or  
 3353 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by a  
 3354 public entity to finance transportation projects.  
 3355 (3) "Infrastructure loan" means a loan of fund money to finance a transportation project or  
 3356 publicly owned infrastructure project.  
 3357 (4) "Public entity" means a county of the first class or any of the following located within a  
 3358 county of the first class:  
 3359 (a) a municipality;  
 3360 (b) an independent entity, as defined in Section 63E-1-102;

- 3361           ~~[(b)]~~ (c) a special district;
- 3362           ~~[(e)]~~ (d) a special service district; or
- 3363           ~~[(d)]~~ (e) an intergovernmental entity organized under state law.
- 3364 (5) "Publicly owned infrastructure project" means a project to improve sewer or water
- 3365           infrastructure that is owned by a public entity.
- 3366 (6)~~(a)~~ "Transportation project" means a project:
- 3367           ~~[(a)]~~ (i) to improve a state or local highway;
- 3368           ~~[(b)]~~ (ii) to improve a public transportation facility or nonmotorized transportation
- 3369                   facility;
- 3370           ~~[(e)]~~ (iii) to construct or improve parking facilities;
- 3371           ~~[(d)]~~ (iv) that is subject to a transportation reinvestment zone agreement [~~pursuant to~~]
- 3372                   in accordance with Section 11-13-227 if the state is party to the agreement; or
- 3373           ~~[(e)]~~ (v) that is part of a housing and transit reinvestment zone created [~~pursuant to~~] in
- 3374                   accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment
- 3375                   Zone Act.
- 3376           ~~[(7)]~~ (b) "Transportation project" includes the costs of acquisition, construction,
- 3377                   reconstruction, rehabilitation, equipping, and fixturing.
- 3378           ~~[(8)]~~ (c) "Transportation project" may only include a project if the project is part of:
- 3379           ~~[(a)]~~ (i) the statewide long range plan;
- 3380           ~~[(b)]~~ (ii) a regional transportation plan of the area metropolitan planning organization
- 3381                   if a metropolitan planning organization exists for the area; or
- 3382           ~~[(e)]~~ (iii) a local government general plan or economic development initiative.
- 3383           Section 25. Section **72-2-302** is amended to read:
- 3384           **72-2-302 (Effective 05/06/26). County of the First Class Infrastructure Bank**
- 3385           **Fund -- Creation -- Use of money.**
- 3386 (1) There is created a revolving loan fund entitled the County of the First Class
- 3387           Infrastructure Bank Fund.
- 3388 (2)(a) The fund consists of money generated from the following revenue sources:
- 3389           (i) deposits into the fund in accordance with Subsection 72-2-121(9);
- 3390           (ii) appropriations made to the fund by the Legislature;
- 3391           (iii) federal money and grants that are deposited into the fund;
- 3392           (iv) money transferred to the fund by the commission from other money available to
- 3393                   the department;
- 3394           (v) state grants that are deposited into the fund;

- 3395 (vi) contributions or grants from any other private or public sources for deposit into  
3396 the fund; and
- 3397 (vii) subject to Subsection (2)(b) and Section 72-2-306, all money collected from  
3398 repayments of fund money used for infrastructure loans or infrastructure  
3399 assistance.
- 3400 (b) When a loan from the fund is repaid, the department may request and the Legislature  
3401 may transfer from the fund to the source from which the money originated an amount  
3402 equal to the repaid loan.
- 3403 (3)(a) The fund shall earn interest.
- 3404 (b) All interest earned on fund money shall be deposited into the fund.
- 3405 (4)(a) Except as provided in Subsection (4)(b), money in the fund shall be used by the  
3406 department, as prioritized by the commission, only to:
- 3407 (i) provide infrastructure loans or infrastructure assistance; and
- 3408 (ii) pay the department for the costs of administering the fund, providing  
3409 infrastructure loans or infrastructure assistance, monitoring transportation projects  
3410 and publicly owned infrastructure projects, and obtaining repayments of  
3411 infrastructure loans or infrastructure assistance.
- 3412 (b) Notwithstanding Subsection (4)(a), money in the fund shall be used by the  
3413 department to provide funds in the following order of priority:
- 3414 (i) a \$20,000,000 loan to Draper for the renovation of existing water pipelines and the  
3415 expansion of drinking water infrastructure;
- 3416 [~~(ii) a \$5,000,000 loan to Herriman for the mitigation and replacement of impacted  
3417 soils;~~]
- 3418 (ii) a \$30,000,000 grant to Bluffdale for the construction of multiple lane  
3419 grade-separated rail crossing at 1000 West and 14600 South;
- 3420 (iii) a \$9,000,000 grant to the County of the First Class Highway Projects Fund  
3421 created in Section 72-2-121;
- 3422 (iv) a \$4,000,000 grant to Metropolitan Water District of Salt Lake and Sandy for the  
3423 Little Cottonwood Creek conduit connecting to the water treatment plant;
- 3424 (v) a \$2,000,000 grant to Draper for construction, expansion, and renovation of new  
3425 and existing drinking water infrastructure;
- 3426 (vi) a \$2,000,000 grant to West Jordan for improvements to 6700 West between 9000  
3427 South and New Bingham Highway;
- 3428 (vii) a \$2,500,000 grant to Riverton for improvements to 2700 West between 13400

3429 South and Bangerter Highway; [and]  
 3430 (viii) a \$2,750,000 grant to Midvale for improvements to Center Street between State  
 3431 Street and Bingham Junction Boulevard; and  
 3432 (ix) a \$2,250,000 grant to Taylorsville for improvements to 5313 South to lift station  
 3433 and corresponding improvements between Bangerter Highway and 4015 West.  
 3434 [~~(viii) a \$30,000,000 grant to Bluffdale for construction of a multiple lane,~~  
 3435 ~~grade-separated rail crossing at 1000 West and 14600 South.]~~

3436 (5)(a) The department may establish separate accounts in the fund for infrastructure  
 3437 loans, infrastructure assistance, administrative and operating expenses, or any other  
 3438 purpose to implement this part.  
 3439 (b) Prioritization of infrastructure loans described in Subsection (5)(a) shall follow the  
 3440 same process as described in Section 72-2-303.  
 3441 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3442 department may make rules governing how the fund and its accounts may be held by  
 3443 an escrow agent.

3444 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter 7,  
 3445 State Money Management Act, and the earnings from the investments shall be credited  
 3446 to the fund.

3447 Section 26. Section **72-5-102** is amended to read:

3448 **72-5-102 (Effective 05/06/26). Definitions.**

3449 As used in this part, "state transportation purposes" includes:

- 3450 (1) highway, public transit facility, and transportation rights-of-way, including those  
 3451 necessary within cities and towns;
- 3452 (2) the construction, reconstruction, relocation, improvement, maintenance, and mitigation  
 3453 from the effects of these activities on state highways and other transportation facilities,  
 3454 including parking facilities, under the control of the department;
- 3455 (3) limited access facilities, including rights of access, air, light, and view and frontage and  
 3456 service roads to highways;
- 3457 (4) adequate drainage in connection with any highway, cut, fill, or channel change and the  
 3458 maintenance of any highway, cut, fill, or channel change;
- 3459 (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance or  
 3460 construction sites;
- 3461 (6) road material sites, sites for the manufacture of road materials, and access roads to the  
 3462 sites;

- 3463 (7) the maintenance of an unobstructed view of any portion of a highway to promote the  
 3464 safety of the traveling public;
- 3465 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,  
 3466 barriers, and obstructions for the convenience of the traveling public;
- 3467 (9) the construction and maintenance of storm sewers, sidewalks, and highway illumination;
- 3468 (10) the construction and maintenance of livestock highways;
- 3469 (11) the construction and maintenance of roadside rest areas adjacent to or near any  
 3470 highway;[~~and~~]
- 3471 (12) the mitigation of impacts from transportation projects[~~-~~] ; and
- 3472 (13) any other transportation purpose for which the department has responsibility under this  
 3473 title.

3474 Section 27. Section **72-6-120** is amended to read:

3475 **72-6-120 (Effective 05/06/26). Department authorized to participate in federal**  
 3476 **program assuming responsibility for environmental review of transportation projects --**  
 3477 **Rulemaking authority.**

- 3478 (1) The department may:
- 3479 (a) assume responsibilities under 23 U.S.C. Sec. 326 for:
- 3480 (i) determining whether [~~state highway~~] transportation design and construction  
 3481 projects are categorically excluded from requirements for environmental  
 3482 assessments or environmental impact statements; and
- 3483 (ii) environmental review, consultation, or other actions required under federal law  
 3484 for categorically excluded projects;
- 3485 (b) assume responsibilities under 23 U.S.C. Sec. 327 with respect to one or more  
 3486 railroad, public transportation, highway, or multimodal projects within the state under  
 3487 the National Environmental Policy Act of 1969 for environmental review,  
 3488 consultation, or other action required under any federal environmental law pertaining  
 3489 to the review or approval of a specific [~~highway~~] transportation project;
- 3490 (c) enter one or more memoranda of understanding with the United States Department of  
 3491 Transportation related to [~~federal highway~~] transportation programs as provided in 23  
 3492 U.S.C. Secs. 326 and 327 subject to the requirements of Subsection 72-1-207(5);
- 3493 (d) accept, receive, and administer grants, other money, or gifts from public and private  
 3494 agencies, including the federal government, for the purpose of carrying out the  
 3495 programs authorized under this section; and
- 3496 (e) cooperate with the federal government in implementing this section and any

- 3497 memorandum of understanding entered into under Subsection 72-1-207(5).
- 3498 (2) Notwithstanding any other provision of law, in implementing a program under this
- 3499 section that is approved by the United States Department of Transportation, the
- 3500 department is authorized to:
- 3501 (a) perform or conduct any of the activities described in a memorandum of
- 3502 understanding entered into under Subsection 72-1-207(5);
- 3503 (b) take actions necessary to implement the program; and
- 3504 (c) adopt relevant federal environmental standards as the standards for this state for
- 3505 categorically excluded projects.
- 3506 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3507 department may make rules to implement the provisions of this section.
- 3508 Section 28. Section **72-9-102** is amended to read:
- 3509 **72-9-102 (Effective 05/06/26). Definitions.**
- 3510 As used in this chapter:
- 3511 (1)(a) "Commercial vehicle" includes:
- 3512 (i) an interstate commercial vehicle;
- 3513 (ii) an intrastate commercial vehicle; and
- 3514 (iii) a tow truck.
- 3515 (b) "Commercial vehicle" does not include the following vehicles for purposes of this
- 3516 chapter:
- 3517 (i) equipment owned and operated by the United States Department of Defense when
- 3518 driven by any active duty military personnel and members of the reserves and
- 3519 national guard on active duty including personnel on full-time national guard duty,
- 3520 personnel on part-time training, and national guard military technicians and
- 3521 civilians who are required to wear military uniforms and are subject to the code of
- 3522 military justice;
- 3523 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
- 3524 including commercial tow trucks;
- 3525 (iii) recreational vehicles that are driven solely as family or personal conveyances for
- 3526 noncommercial purposes; or
- 3527 (iv) vehicles owned by the state or a local government.
- 3528 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on
- 3529 a highway in interstate commerce to transport passengers or property if the vehicle:
- 3530 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,

- 3531 or gross combination weight rating or gross combination weight of 10,001 or more  
3532 pounds, whichever is greater;
- 3533 (b) is designed or used to transport more than eight passengers, including the driver, for  
3534 compensation;
- 3535 (c) is designed or used to transport more than 15 passengers, including the driver, and is  
3536 not used to transport passengers for compensation; or
- 3537 (d)(i) is used to transport materials designated as hazardous in accordance with 49  
3538 U.S.C. Sec. 5103; and
- 3539 (ii) is required to be placarded in accordance with regulations under 49 C.F.R.,  
3540 Subtitle B, Chapter I, Subchapter C.
- 3541 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer  
3542 used or maintained for business, compensation, or profit to transport passengers or  
3543 property on a highway only within the boundaries of this state if the commercial vehicle:
- 3544 (a)(i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or  
3545 gross combination weight rating or gross combination weight of 26,001 or more  
3546 pounds, whichever is greater, and is operated by an individual who is 18 years old  
3547 or older; or
- 3548 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight  
3549 rating of 16,001 or more pounds and is operated by an individual who is under 18  
3550 years old;
- 3551 (b)(i) is designed to transport more than 15 passengers, including the driver; or  
3552 (ii) is designed to transport more than 12 passengers, including the driver, and has a  
3553 manufacturer's gross vehicle weight rating or gross combination weight rating of  
3554 13,000 or more pounds; or
- 3555 (c) is used in the transportation of hazardous materials and is required to be placarded in  
3556 accordance with 49 C.F.R. Part 172, Subpart F.
- 3557 (4) "Motor carrier" means a person engaged in or transacting the business of transporting  
3558 passengers, freight, merchandise, or other property by a commercial vehicle on a  
3559 highway within this state and includes a tow truck business.
- 3560 (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that  
3561 term is defined in Section 41-1a-102.
- 3562 (6) "Property owner" means the owner or lessee of real property.
- 3563 (7) "State impound yard" means the same as that term is defined in Section 41-1a-102.
- 3564 (8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped

3565 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized,  
 3566 or impounded vehicles from a highway or other place by means of a crane, hoist, tow  
 3567 bar, tow line, dolly, tilt bed, or other means.

3568 (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting  
 3569 business for tow truck services.

3570 (10) "Tow truck operator" means an individual that performs operations related to a tow  
 3571 truck service as an employee or as an independent contractor on behalf of a tow truck  
 3572 motor carrier.

3573 (11) "Tow truck service" means the functions and any ancillary operations associated with  
 3574 recovering, removing, and towing a vehicle and its load from a highway or other place  
 3575 by means of a tow truck.

3576 (12) "Towing entity" means:

3577 (a) a political subdivision of this state;

3578 (b) a state agency;

3579 (c) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act;  
 3580 or

3581 (d) a special service district created under Title 17D, Chapter 1, Special Service District  
 3582 Act.

3583 [(12)] (13) "Transportation" means the actual movement of property or passengers by motor  
 3584 vehicle, including loading, unloading, and any ancillary service provided by the motor  
 3585 carrier in connection with movement by motor vehicle, which is performed by or on  
 3586 behalf of the motor carrier, its employees or agents, or under the authority of the motor  
 3587 carrier, its employees or agents, or under the apparent authority and with the knowledge  
 3588 of the motor carrier.

3589 Section 29. Section **72-9-602** is amended to read:

3590 **72-9-602 (Effective 05/06/26). Towing inspections, investigations, and**  
 3591 **certification -- Equipment requirements -- Consumer information.**

3592 (1)(a) The department shall inspect, investigate, and certify tow truck motor carriers,  
 3593 tow trucks, and tow truck operators to ensure compliance with this chapter and  
 3594 compliance with Sections 41-6a-1406 and 41-6a-1407.

3595 (b) The inspection, investigation, and certification shall be conducted [~~prior to~~] before  
 3596 any tow truck operation and at least every two years thereafter.

3597 (c)(i) The department shall issue an authorized towing certificate for each tow truck  
 3598 motor carrier, tow truck, and tow truck operator that complies with this part and

- 3599 rules made by the department in accordance with Subsection [~~(6)~~] (8).
- 3600 (ii) The authorized towing certificate described in this section shall expire two years  
3601 from the month of issuance.
- 3602 (d) The department may charge a biennial fee established under Section 63J-1-504 to  
3603 cover the cost of the inspection, investigation, and certification required under this  
3604 part.
- 3605 (2)(a) To qualify for an authorized towing certificate described in Subsection (1), a tow  
3606 truck operator shall:
- 3607 (i) submit to a fingerprint-based criminal background check, as described in  
3608 Subsection (3); and
- 3609 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec.  
3610 391.45.
- 3611 (b) For each tow truck operator employed, a tow truck motor carrier shall:
- 3612 (i) maintain records of the updated background checks and a valid medical  
3613 examiner's certificate, as required under this section; and
- 3614 (ii) biennially, make the records described in Subsection (2)(b)(i) available to the  
3615 department.
- 3616 (3)(a) Before a tow truck motor carrier may hire an individual as a tow truck operator  
3617 and receive an authorized towing certificate from the department as required in  
3618 Subsection (2), the tow truck motor carrier shall require the individual to submit to  
3619 the Department of Public Safety:
- 3620 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and  
3621 (ii) consent to a state and regional fingerprint background check by the Bureau of  
3622 Criminal Identification.
- 3623 (b) The Bureau of Criminal Identification shall:
- 3624 (i) check the fingerprints submitted under this section against the applicable state and  
3625 regional criminal records databases;
- 3626 (ii) report the results of the background check to the requesting tow truck motor  
3627 carrier;
- 3628 (iii) maintain a separate file of fingerprints submitted under this part for search by  
3629 future submissions to the local and regional criminal records databases, including  
3630 latent prints; and
- 3631 (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives  
3632 notifications for the individuals with whom the entity maintains an authorizing

3633 relationship.

3634 (c)(i) Except for an individual hired as a tow truck operator before July 1, 2017, the  
3635 department shall deny an individual's authorized towing certification, and the  
3636 individual may not operate a tow truck in this state, if the individual has been  
3637 convicted of any felony offense within the previous two years.

3638 (ii) The department may deny or revoke the authorized towing certification of a tow  
3639 truck motor carrier that employs an individual who fails to comply with the  
3640 background check required in this section.

3641 (4) The department shall make available to the public electronically accessible consumer  
3642 protection information, including a list of all tow truck motor carriers that are currently  
3643 certified by the department.

3644 (5) The department may deny a tow truck motor carrier's certification if the department has  
3645 evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the  
3646 Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under  
3647 Section 72-9-603.

3648 (6)(a) If the department determines that a tow truck motor carrier has violated a  
3649 provision of this part or an administrative rule made [~~pursuant to~~] in accordance with  
3650 this part, the department may:

3651 (i) deny or revoke a tow truck motor carrier's certification under this part;

3652 (ii) impose a civil penalty up to \$2,000 for each violation; and

3653 (iii) require the removal of the tow truck motor carrier from a towing dispatch  
3654 rotation as described in Section 72-9-604.

3655 (b) If the department requires the removal of a tow truck motor carrier from a towing  
3656 dispatch rotation, contract, or request for proposal as described in Section 72-9-604,  
3657 the department shall:

3658 (i) notify the Department of Public Safety and any relevant towing entity, as that term  
3659 is defined in Section 72-9-604, of the removal; and

3660 (ii) notify the tow truck motor carrier of the removal.

3661 (c) A notice described in Subsection (6)(b) shall:

3662 (i) identify the tow truck motor carrier; and

3663 (ii) specify how long the tow truck motor carrier is required to be removed from the  
3664 towing dispatch rotation.

3665 (7) The department may not certify a tow truck motor carrier under this part if the tow truck  
3666 motor carrier does not have and maintain an internet website.

3667 [(7)] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3668 department shall make rules:

3669 (a) governing the inspection, investigation, and certification procedures described in this  
 3670 section[.]; and

3671 (b) to establish standards for the online presence requirements described in Subsection  
 3672 (7).

3673 Section 30. Section **72-9-603** is amended to read:

3674 **72-9-603 (Effective 05/06/26). Towing notice requirements -- Cost**  
 3675 **responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and**  
 3676 **certification.**

3677 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on  
 3678 behalf of a law enforcement agency, or a highway authority, after performing a tow  
 3679 truck service that is being done without the vehicle, vessel, or outboard motor owner's  
 3680 knowledge, the tow truck operator or the tow truck motor carrier shall:

3681 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,  
 3682 or outboard motor:

3683 (i) provide relevant information to the impound vehicle service system database  
 3684 administered by the Motor Vehicle Division, including:

3685 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;

3686 (B) a description of the vehicle, vessel, or outboard motor; and

3687 (C) the vehicle identification number or vessel or outboard motor identification  
 3688 number; and

3689 (ii) contact the law enforcement agency having jurisdiction over the area where the  
 3690 vehicle, vessel, or outboard motor was picked up and notify the agency of the:

3691 (A) location of the vehicle, vessel, or outboard motor;

3692 (B) date, time, and location from which the vehicle, vessel, or outboard motor was  
 3693 removed;

3694 (C) reasons for the removal of the vehicle, vessel, or outboard motor;

3695 (D) person who requested the removal of the vehicle, vessel, or outboard motor;  
 3696 and

3697 (E) description, including the identification number, license number, or other  
 3698 identification number issued by a state agency, of the vehicle, vessel, or  
 3699 outboard motor;

3700 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner

- 3701 or operator, within two business days of performing the tow truck service under  
3702 Subsection (1)(a), send a certified letter to the last-known address of each party  
3703 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or  
3704 outboard motor obtained from the Motor Vehicle Division or, if the person has actual  
3705 knowledge of the party's address, to the current address, notifying the party of the:
- 3706 (i) location of the vehicle, vessel, or outboard motor;
  - 3707 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was  
3708 removed;
  - 3709 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
  - 3710 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
  - 3711 (v) a description, including its identification number and license number or other  
3712 identification number issued by a state agency; and
  - 3713 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 3714 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard  
3715 motor was removed, provide the owner or operator with a copy of the Utah  
3716 Consumer Bill of Rights Regarding Towing established by the department in  
3717 Subsection (16)(e).
- 3718 (2) Until the tow truck operator or tow truck motor carrier reports the information required  
3719 under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard  
3720 may not:
- 3721 (a) collect any fee associated with the removal; or
  - 3722 (b) begin charging storage fees.
- 3723 (3)(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck  
3724 motor carrier may not perform a tow truck service at the request or direction of a  
3725 private property owner or the property owner's agent unless:
- 3726 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the  
3727 tow truck service; or
  - 3728 (ii) the property owner erects signage that meets the requirements of:
    - 3729 (A) Subsection (4)(b)(ii); and
    - 3730 (B) Subsection (7) or (8).
- 3731 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or  
3732 outboard motor:
- 3733 (i) from a location where parking is prohibited by law, including:
    - 3734 (A) a designated fire lane;

- 3735 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked  
3736 parking stall or space; or
- 3737 (C) a marked parking stall or space legally designated for disabled persons;  
3738 (ii) from a location where it is reasonably apparent that the location is not open to  
3739 parking;
- 3740 (iii) from a location where all public access points are controlled by:  
3741 (A) a permanent gate, door, or similar feature allowing the vehicle to access the  
3742 facility; or  
3743 (B) a parking attendant;
- 3744 (iv) from a location that materially interferes with access to private property;  
3745 (v) from the property of a detached single-family dwelling or duplex; or  
3746 (vi) pursuant to a legal repossession.
- 3747 (4)(a) A private property owner may, subject to the requirements of a local ordinance,  
3748 enforce parking restrictions by:
- 3749 (i) authorizing a tow truck motor carrier to patrol and monitor the property and  
3750 enforce parking restrictions on behalf of the property owner in accordance with  
3751 Subsection (7);
- 3752 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck  
3753 motor carrier on a case-by-case basis in accordance with Subsection (8); or  
3754 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written  
3755 notice in accordance with Subsection (9).
- 3756 (b)(i) Any agreement between a private property owner and tow truck motor carrier  
3757 authorizing the tow truck motor carrier to patrol and monitor the property under  
3758 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck  
3759 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 3760 (ii) In addition to the signage described in Subsection (7) or (8), a private property  
3761 owner who allows public parking shall erect appropriate signage on the property  
3762 indicating clear instructions for parking at the property.
- 3763 (iii) Where a single parking area includes abutting parcels of property owned by two  
3764 or more private property owners who enforce different parking restrictions under  
3765 Subsection (7) or (8), each property owner shall, in addition to the requirements  
3766 under Subsection (7) or (8), erect signage as required by this section:
- 3767 (A) at each entrance to the property owner's parcel from another property owner's  
3768 parcel; and

- 3769 (B) if there is no clearly defined entrance between one property owner's parcel and  
3770 another property owner's parcel, at intervals of 40 feet or less along the line  
3771 dividing the property owner's parcel from the other property owner's parcel.
- 3772 (iv) Where there is no clearly defined entrance to a parking area from a highway, the  
3773 property owner shall erect signage as required by this section at intervals of 40  
3774 feet or less along any portion of a property line where a vehicle, vessel, or  
3775 outboard motor may enter the parking area.
- 3776 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,  
3777 subject to the provisions of this section, instituting and enforcing regulations for parking  
3778 at the property.
- 3779 (6) In addition to any other powers provided by law, a political subdivision or state agency  
3780 may:
- 3781 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on  
3782 property that is:
- 3783 (i) owned by the political subdivision or state agency;  
3784 (ii) located outside of the public right-of-way; and  
3785 (iii) open to public parking; and
- 3786 (b) request or direct a tow truck service in order to abate a public nuisance on private  
3787 property over which the political subdivision or state agency has jurisdiction.
- 3788 (7) For private property where parking is enforced under Subsection (4)(a)(i), the property  
3789 owner shall ensure that each entrance to the property has signs located on the property  
3790 and clearly visible to the driver of a vehicle entering the property that substantially  
3791 comply with the following, as determined by the department:
- 3792 (a) a top sign that is 24 inches tall by 18 inches wide and has:
- 3793 (i) a blue, reflective background with a 1/2 inch white border;  
3794 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is  
3795 Patrolled";  
3796 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an  
3797 entire tow truck, a tow hook, and an entire vehicle being towed; and  
3798 (iv) two-inch, white letters at the bottom of the sign with the capitalized words  
3799 "Towing Enforced"; and
- 3800 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective  
3801 border, and has:
- 3802 (i) a top half that is red background with white, reflective letters indicating:

- 3803 (A) who is authorized to park or restricted from parking at the property; and  
 3804 (B) any type of vehicle prohibited from parking at the property; and  
 3805 (ii) a bottom half that has a white, reflective background with red letters indicating:  
 3806 (A) the name and telephone number of the tow truck motor carrier that the  
 3807 property owner has authorized to patrol the property; and  
 3808 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 3809 (8)(a) For private property where parking is enforced under Subsection (4)(a)(i)[~~;~~]  
 3810 [~~(i)~~] a tow truck motor carrier may not:  
 3811 [~~(A)~~] (i) patrol and monitor the property;  
 3812 [~~(B)~~] (ii) perform a tow truck service without the written or verbal request of the  
 3813 property owner or the property owner's agent; or  
 3814 [~~(C)~~] (iii) act as the property owner's agent to request a tow truck service.
- 3815 (b) For private property where parking is enforced under Subsection (4)(a)(ii), the  
 3816 property owner shall ensure that each entrance to the property has a clearly visible  
 3817 sign located on the property that substantially follows the following format, as  
 3818 determined by the department:  
 3819 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective  
 3820 border, and has:  
 3821 (A) at the top of the sign, a blue background with a white, reflective towing logo  
 3822 that is at least four inches tall and 16 inches wide that depicts an entire tow  
 3823 truck, a tow hook, and an entire vehicle being towed;  
 3824 (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a  
 3825 blue background with white, reflective letters at least two inches tall with the  
 3826 capitalized words "Towing Enforced"; and  
 3827 (C) in the middle of the sign, a red background with white, reflective letters at  
 3828 least one inch tall indicating who is authorized to park or restricted from  
 3829 parking at the property, and any type of vehicle prohibited from parking at the  
 3830 property; and  
 3831 (ii) at the bottom of the sign, a white, reflective background with red letters at least  
 3832 one inch tall indicating:  
 3833 (A) either the name and telephone number of the property owner or the property  
 3834 owner's agent who is authorized to request a tow truck service, or the name and  
 3835 telephone number of the tow truck motor carrier that provides tow truck  
 3836 services for the property; and

3837 (B) the [~~Internet~~] internet web address "tow.utah.gov".

3838 (c) If a dispute arises regarding whether a sign required under this section substantially  
3839 complies with the requirements of this section, the department shall determine  
3840 whether the sign substantially complies.

3841 (9)(a) For private property without signage substantially meeting the requirements of  
3842 Subsection (7) or (8), as determined by the department, the property owner may  
3843 request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from  
3844 the private property 24 hours after the property owner or the property owner's agent  
3845 affixes a written notice to the vehicle, vessel, or outboard motor in accordance with  
3846 this Subsection (9).

3847 (b) The written notice described in Subsection (9)(a) shall:

3848 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or  
3849 outboard motor;

3850 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,  
3851 or outboard motor will be towed from the property if it is not removed within 24  
3852 hours after the time indicated in Subsection (9)(b)(i);

3853 (iii) be at least four inches tall and four inches wide; and

3854 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on  
3855 the driver's side window of the vehicle, vessel, or outboard motor.

3856 (c) A property owner may authorize a tow truck motor carrier to act as the property  
3857 owner's agent for purposes of affixing the written notice described in Subsection  
3858 (9)(a) to a vehicle, vessel, or outboard motor.

3859 (10) The department shall publish on the dep[~~artment-Internet~~] department's internet website  
3860 the signage requirements and written notice requirements and illustrated or  
3861 photographed examples of the signage and written notice requirements described in  
3862 Subsections (7) through (9).

3863 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from  
3864 the towing of a vehicle, vessel, or outboard motor from private property that the property  
3865 had signage meeting the requirements of:

3866 (a) Subsection (4)(b)(ii); and

3867 (b) Subsection (7) or (8).

3868 (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in  
3869 Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor  
3870 lawfully removed is only responsible for paying:

- 3871 (a) the tow truck service and storage fees set in accordance with Subsection (16); and  
3872 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 3873 (13)(a) As used in this Subsection (13), "life essential item" means:
- 3874 (i) prescription medication;  
3875 (ii) medical equipment;  
3876 (iii) shoes;  
3877 (iv) coats;  
3878 (v) food and water;  
3879 (vi) child safety seats;  
3880 (vii) government-issued photo identification; and  
3881 (viii) human remains.
- 3882 (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or  
3883 outboard motor.
- 3884 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any  
3885 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 3886 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck  
3887 operator, a tow truck motor carrier, or an impound yard shall allow a party described  
3888 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard  
3889 motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession  
3890 of any life essential item within the vehicle, vessel, or outboard motor during normal  
3891 business hours regardless of whether the towing, impound fees, or storage fees have  
3892 been paid.
- 3893 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon  
3894 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an  
3895 impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an  
3896 interest in the vehicle, vessel, or outboard motor or an individual described in  
3897 Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during  
3898 normal business hours and remove personal property not attached to the vehicle,  
3899 vessel, or outboard motor.
- 3900 (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle,  
3901 vessel, or outboard motor and items described in Subsection (13)(a) in an approved  
3902 state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an  
3903 interest in the vehicle, vessel, or outboard motor:  
3904 (i) pays the fees described in Subsection (12); and

- 3905 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
- 3906 (14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
- 3907 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
- 3908 outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not,
- 3909 within 30 days after notice has been sent under Subsection (1)(b):
- 3910 (i) pay the fees described in Subsection (12); and
- 3911 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- 3912 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or
- 3913 outboard motor until at least 30 days after notice has been sent under Subsection
- 3914 (1)(b).
- 3915 (15)(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
- 3916 and disclose all its current fees, rates, and acceptable forms of payment for tow truck
- 3917 service and storage of a vehicle in accordance with rules established under
- 3918 Subsection (16).
- 3919 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
- 3920 payment by cash and debit or credit card for a tow truck service under Subsection (1)
- 3921 or any service rendered, performed, or supplied in connection with a tow truck
- 3922 service under Subsection (1).
- 3923 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3924 department shall:
- 3925 (a) subject to the restriction in Subsection (17), set maximum rates that:
- 3926 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
- 3927 or outboard motor that are transported in response to:
- 3928 (A) a peace officer dispatch call;
- 3929 (B) a motor vehicle division call; and
- 3930 (C) any other call or request where the owner of the vehicle, vessel, or outboard
- 3931 motor has not consented to the removal;
- 3932 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
- 3933 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
- 3934 and
- 3935 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
- 3936 outboard motor stored as a result of one of the conditions described in Subsection
- 3937 (16)(a)(i);
- 3938 (b) establish authorized towing certification requirements, not in conflict with federal

- 3939 law, related to incident safety, clean-up, and hazardous material handling;
- 3940 (c) specify the form and content of the posting and disclosure of fees and rates charged
- 3941 and acceptable forms of payment by a tow truck motor carrier or impound yard;
- 3942 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
- 3943 charge for reporting the information required under Subsection (1)(a)(i) and
- 3944 providing notice of the removal to each party described in Subsection
- 3945 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required
- 3946 in Subsection (1)(b);
- 3947 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
- 3948 specific information regarding:
- 3949 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is
- 3950 towed;
- 3951 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
- 3952 tow truck service of a vehicle, vessel, or outboard motor that is transported in
- 3953 response to a call or request where the owner of the vehicle, vessel, or outboard
- 3954 motor has not consented to the removal; and
- 3955 (iii) identifies the maximum rates that an impound yard may charge for the storage of
- 3956 vehicle, vessel, or outboard motor that is transported in response to a call or
- 3957 request where the owner of the vehicle, vessel, or outboard motor has not
- 3958 consented to the removal; and
- 3959 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 3960 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
- 3961 vessel, or outboard motor if:
- 3962 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
- 3963 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
- 3964 Subsection 41-6a-1406(6)(a) or an individual described in Subsection
- 3965 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle,
- 3966 vessel, or outboard motor under Section 41-6a-1406.
- 3967 (18)(a)(i) A tow truck motor carrier may charge a rate up to the maximum rate set by
- 3968 the department in rules made under Subsection (16).
- 3969 (ii) In addition to the maximum rates established under Subsection (16) and when
- 3970 receiving payment by credit card or debit card, a tow truck operator, a tow truck
- 3971 motor carrier, or an impound yard may charge a card processing fee of 3% of the
- 3972 transaction total.

3973 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a  
 3974 higher level than required in rules made ~~[pursuant to]~~ in accordance with Subsection  
 3975 (16).

3976 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or  
 3977 outboard motor as a result of a tow service that was performed without the consent of  
 3978 the owner, and that was not ordered by a peace officer or a person acting on behalf of a  
 3979 law enforcement agency, the tow truck motor carrier or impound yard shall make  
 3980 personnel available:

3981 (a) by phone 24 hours a day, seven days a week; and

3982 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one  
 3983 hour of when the owner calls the tow truck motor carrier or impound yard.

3984 (20)(a) If the tow truck motor carrier, tow truck operator, or impound lot fails to release  
 3985 the vehicle, vessel, or outboard motor in accordance with Subsection (19), the  
 3986 individual acting on behalf of the tow truck motor carrier, tow truck operator, or  
 3987 impound lot may be charged with a violation described in Section 41-1a-1314.

3988 (b) Subsection (20)(a) may be enforced by:

3989 (i) a local law enforcement agency;

3990 (ii) Utah Highway Patrol; or

3991 (iii) the Motor Vehicle Enforcement Division created in Section 41-3-104.

3992 ~~[(20)]~~ (21) A tow truck motor carrier or a tow truck operator may not:

3993 (a) share contact or other personal information of an owner of a vehicle, vessel, or  
 3994 outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the  
 3995 tow truck motor carrier or tow truck operator has performed a tow service; and

3996 (b) receive payment for referring a person for whom the tow truck motor carrier or tow  
 3997 truck operator has performed a tow service to another service, including:

3998 (i) a lawyer referral service;

3999 (ii) a medical provider;

4000 (iii) a funding agency;

4001 (iv) a marketer for any service described in Subsections ~~[(20)(b)(i)]~~ (21)(b)(i) through  
 4002 (iii);

4003 (v) a marketer for any other service; or

4004 (vi) a third party vendor.

4005 Section 31. Section **72-9-604** is amended to read:

4006 **72-9-604 (Effective 05/06/26). Preemption of local authorities -- Tow trucks.**

- 4007 (1) As used in this section:
- 4008 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described
- 4009 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard
- 4010 motor does not, within 30 days after the day on which notice is issued that the
- 4011 vehicle, vessel, or outboard motor was towed by a towing entity:
- 4012 (i) pay the relevant fees; and
- 4013 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- 4014 (b) "Towing dispatch vendor" means the same as that term is defined in Section
- 4015 53-1-106.2.
- 4016 ~~[(b) "Towing entity" means:]~~
- 4017 ~~[(i) a political subdivision of this state;]~~
- 4018 ~~[(ii) a state agency;]~~
- 4019 ~~[(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation~~
- 4020 ~~Act; or]~~
- 4021 ~~[(iv) a special service district created under Title 17D, Chapter 1, Special Service~~
- 4022 ~~District Act.]~~
- 4023 (2)(a) Notwithstanding any other provision of law, a political subdivision of this state
- 4024 may ~~[neither enact nor]~~ not enact or enforce any ordinance, regulation, or rule
- 4025 pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:
- 4026 (i) conflicts with:
- 4027 (A) any provision of this part;
- 4028 (B) Section 41-6a-1401;
- 4029 (C) Section 41-6a-1407; or
- 4030 (D) rules made by the department under this part; or
- 4031 (ii) imposes a maximum rate that deviates from the maximum rates set in rules made
- 4032 by the department ~~[pursuant to]~~ in accordance with Subsection 72-9-603(16).
- 4033 (b) A county or municipal legislative governing body may not charge a fee for the
- 4034 storage of an impounded vehicle, vessel, or outboard motor if the county or
- 4035 municipality:
- 4036 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 4037 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
- 4038 holder, or the owner's agent even if the registered owner, lien holder, or the
- 4039 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
- 4040 motor under Section 41-6a-1406.

- 4041 (3) A tow truck motor carrier that has a county or municipal business license for a place of  
4042 business located within that county or municipality may not be required to obtain  
4043 another business license in order to perform a tow truck service in another county or  
4044 municipality if there is not a business location in the other county or municipality.
- 4045 (4) A county or municipal legislative or governing body may not require a tow truck motor  
4046 carrier, tow truck, or tow truck operator that has been issued a current, authorized  
4047 towing certificate by the department, as described in Section 72-9-602, to obtain an  
4048 additional towing certificate.
- 4049 (5) A county or municipal legislative body may require an annual tow truck safety  
4050 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602  
4051 if:
- 4052 (a) no fee is charged for the inspection; and  
4053 (b) the inspection complies with federal motor carrier safety regulations.
- 4054 (6)(a) A tow truck shall be subject to only one annual safety inspection under Subsection  
4055 (5)(b).
- 4056 (b) A county or municipality that requires ~~[the-]~~ an additional annual safety inspection  
4057 shall accept the same inspection performed by another county or municipality.
- 4058 ~~[(7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section  
4059 53-1-106.2, the towing entity may charge a fee to cover costs associated with the  
4060 use of a dispatch vendor as described in Section 53-1-106.2.]~~
- 4061 ~~[(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may  
4062 not exceed the actual costs of the dispatch vendor contracted to provide the  
4063 dispatch service.]~~
- 4064 ~~[(b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a  
4065 towing dispatch vendor described in Section 53-1-106.2, the towing entity may  
4066 not charge a fee to cover costs associated with providing towing dispatch and  
4067 rotation service.]~~
- 4068 ~~[(ii) A special service district created under Title 17D, Chapter 1, Special Service  
4069 District Act, that charges a dispatch fee on or before January 1, 2023, may  
4070 continue to charge a fee related to dispatch costs.]~~
- 4071 ~~[(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)  
4072 may not exceed an amount reasonably reflective to the actual costs of providing  
4073 the towing dispatch and rotation service.]~~
- 4074 ~~[(e) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)~~

4075 unless the relevant governing body of the towing entity has approved the fee amount.]

4076 (7)(a) A towing entity may charge a fee to cover costs associated with dispatching for  
4077 towing operations.

4078 (b) The fee described in Subsection (7)(a) may not exceed 50% of the administrative fee  
4079 described in Subsection 72-9-603(16)(d).

4080 ~~[(d)]~~ (c) In addition to fees set by the department in rules made in accordance with  
4081 Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass  
4082 through a fee described in this Subsection (7) to owners, lien holders, or insurance  
4083 providers of towed vehicles, vessels, or outboard motors.

4084 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow  
4085 truck motor carrier may charge an additional fee to absorb unrecovered costs of  
4086 abandoned vehicles related to the fees described in ~~[Subsections (7)(a)(i) and~~  
4087 ~~(7)(b)(ii)]~~ Subsection (7)(a).

4088 ~~(b) [Beginning May 3, 2023, and ending on June 30, 2025, a]~~ A tow truck operator or  
4089 tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount  
4090 not to exceed an amount greater than ~~[25% of the relevant]~~ 40% of the fee described  
4091 in Subsection ~~[(7)(a)(i) or (7)(b)(ii)]~~ (7)(a).

4092 ~~[(c)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,~~  
4093 ~~based on data provided by the State Tax Commission, determine the percentage of~~  
4094 ~~vehicles, vessels, or outboard motors that were abandoned during the previous~~  
4095 ~~year by:]~~

4096 ~~[(A) determining the total number of vehicles, vessels, or outboard motors that~~  
4097 ~~were towed as part of a towing entity's towing rotation during the previous~~  
4098 ~~calendar year that were also abandoned; and]~~

4099 ~~[(B) dividing the number described in Subsection (8)(c)(i)(A) by the total number~~  
4100 ~~of vehicles, vessels, or outboard motors that were towed as part of the towing~~  
4101 ~~entity's towing rotation during the previous calendar year.]~~

4102 ~~[(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall~~  
4103 ~~publish:]~~

4104 ~~[(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and]~~

4105 ~~[(B) the percentage described in Subsection (8)(c)(i).]~~

4106 ~~[(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a~~  
4107 ~~tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an~~  
4108 ~~amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the~~

- 4109 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).]
- 4110 [~~(d) A tow truck operator or tow truck motor carrier shall list on a separate line on the~~
- 4111 ~~towing invoice any fee described in this Subsection (8).]~~
- 4112 (c) A tow truck operator or tow truck motor carrier shall include on the towing invoice a
- 4113 separate line showing the combined total of the fees described in Subsection (7) and
- 4114 this Subsection (8).
- 4115 (9) A towing entity may not require a tow truck operator who has received an authorized
- 4116 towing certificate from the department to submit additional criminal background check
- 4117 information for inclusion of the tow truck motor carrier on a rotation.
- 4118 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
- 4119 operator that responds may not respond to the location in a tow truck that is owned by a
- 4120 tow truck motor carrier that is different than the tow truck motor carrier that was
- 4121 dispatched.
- 4122 (11) If a towing entity receives a notice from the department as described in Subsection
- 4123 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing
- 4124 entity's towing rotation, contract, or request for proposal as provided in the notice from
- 4125 the department.
- 4126 (12) A towing entity may not contract with a towing dispatch vendor that requires a tow
- 4127 truck motor carrier or tow truck operator to manipulate a wireless communication device
- 4128 in violation of Section 41-6a-1716.
- 4129 (13)(a) A towing entity may require a tow truck motor carrier or tow truck operator to
- 4130 enter the following into a database controlled by the towing dispatch vendor:
- 4131 (i) information about the vehicle, vessel, or outboard motor that is the subject of the
- 4132 tow; and
- 4133 (ii) other information about the circumstances and timing of the towing operation.
- 4134 (b) A towing entity may not require a tow truck motor carrier or tow truck operator to
- 4135 enter personally identifiable information about the owner into a database controlled
- 4136 by the towing dispatch vendor.
- 4137 (14) If a towing dispatch vendor that receives from a towing entity, tow truck motor carrier,
- 4138 or tow truck operator any personally identifiable information or other information about
- 4139 the owner of a vehicle that is the subject of the towing dispatch service, the towing
- 4140 dispatch vendor:
- 4141 (a) may not:
- 4142 (i) share the information with a third party;

- 4143           (ii) sell the information to a third party;  
 4144           (iii) use the information for any purpose other than dispatching for the tow or  
 4145                 removal; or  
 4146           (iv) retain the information longer than the administrative need; and  
 4147           (b) shall delete any personally identifiable information.

4148           Section 32. Section **72-19-401** is amended to read:

4149           **72-19-401 (Effective 05/06/26). Creation of Broadband Equity Access and**  
 4150 **Deployment Grant Program.**

- 4151           (1) There is established a grant program known as the Broadband Equity Access and  
 4152           Deployment Grant Program that is administered by the broadband center in accordance  
 4153           with:  
 4154           (a) this part; and  
 4155           (b) the requirements of the National Telecommunications and Information  
 4156           Administration's Broadband Equity Access and Deployment Program, 47 U.S.C. Sec.  
 4157           1702 et seq.
- 4158           (2) The broadband center shall:  
 4159           (a) prepare and submit the state's Broadband Equity Access and Deployment application,  
 4160           including the letter of intent, initial proposal, and final proposal to the National  
 4161           Telecommunications and Information Administration;  
 4162           (b) administer the Broadband Equity Access and Deployment Grant Program in  
 4163           accordance with this section and as approved by the National Telecommunications  
 4164           and Information Administration;  
 4165           (c) accept and process an application for subgranted funds; and  
 4166           (d) ensure that a subgrantee complies with the state's final proposal to the National  
 4167           Telecommunications and Information Administration.
- 4168           (3) The department, in coordination with the broadband center, may make rules in  
 4169           accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
 4170           administer the grant program.
- 4171           (4) The broadband center may approve an application for subgranted funds if:  
 4172           (a) the application meets the requirements of this section;  
 4173           (b) the application meets any rule made [~~pursuant to~~] in accordance with this section;  
 4174           (c) the application meets the requirements of the National Telecommunications and  
 4175           Information Administration's Broadband Equity Access and Deployment Program, 47  
 4176           U.S.C. Sec. 1702 et seq.; and

- 4177 (d) the broadband center has informed the Transportation Commission about the  
 4178 application described in Subsection (2)(c).  
 4179 (5) After the broadband center completes a competitive application process for subgranted  
 4180 funds[ ~~but before the broadband center notifies the applicant of the award~~], the  
 4181 broadband center shall present to the Transportation Commission on the subgrant award.  
 4182 Section 33. Section **72-20-101** is enacted to read:

4183 **CHAPTER 20. Local Highway Mobility Plans**

4184 **72-20-101 (Effective 05/06/26). Definitions.**

4185 As used in this chapter:

- 4186 (1) "City" means Salt Lake City.  
 4187 (2) "Critical capacity routes map" means the map adopted by the city designating roadways  
 4188 within the study area by tiers to preserve motor vehicle capacity as described in the city's  
 4189 transportation plans.  
 4190 (3) "Highway reduction strategy" means a strategy that:  
 4191 (a) has the potential to permanently decrease the number of vehicles that can travel on an  
 4192 arterial or a collector highway per hour, including:  
 4193 (i) reducing the number of motorized vehicle travel lanes on an arterial or collector  
 4194 highway;  
 4195 (ii) narrowing existing motorized vehicle travel lanes on an arterial or collector  
 4196 highway; or  
 4197 (iii) any other strategy that when implemented may reasonably be expected to  
 4198 increase congestion or impede traffic flow for motor vehicles driving on an  
 4199 arterial or collector highway; or  
 4200 (b) has the potential to permanently reduce the availability of on-street parking.  
 4201 (4) "Study area" means the area within Salt Lake City that is west of Foothill Drive, east of  
 4202 Redwood Road, south of 600 North, and extends to the southern boundary of the city.  
 4203 (5) "Tier four road" means a low-volume, residential or similar road.  
 4204 (6) "Tier one road" means a regionally significant transportation facility.  
 4205 (7) "Tier three road" means a low-priority, low-volume street with minimal regional  
 4206 significance within the transportation network.  
 4207 (8) "Tier two road" means a corridor important to the transportation network but not  
 4208 designed or anticipated to carry as much motor vehicle volume as a tier one road.  
 4209 (9) "Traffic calming measures" means permanent physical or regulatory measures intended  
 4210 to reduce vehicle speeds or volumes on roadways.

4211 Section 34. Section **72-20-102** is enacted to read:

4212 **72-20-102** (Effective **05/06/26**). **Adoption and codification of critical capacity**  
4213 **routes map -- Agreement.**

4214 (1) On or before January 1, 2027, the city shall:

4215 (a) enter into an agreement with the department that:

4216 (i) identifies and designates each road within the study area as a tier one, tier two, tier  
4217 three, or tier four road;

4218 (ii) designates regionally significant highways within the study area as tier one roads  
4219 for which, except as provided in Subsection (2)(a), the city may not implement a  
4220 project that includes a highway reduction strategy;

4221 (iii) designates highways within the study area as tier two roads for which the city  
4222 may implement a project that includes a highway reduction strategy only after the  
4223 city:

4224 (A) completes a thorough data collection and impact analysis;

4225 (B) completes a thorough community and business engagement campaign that  
4226 includes engagement with key stakeholders; and

4227 (C) receives approval for the project by the department;

4228 (iv) designates highways within the study area as tier three roads for which the city  
4229 may implement a project that includes a highway reduction strategy as determined  
4230 necessary by the city, consistent with the terms of the agreement;

4231 (v) includes plans and timelines for the city to mitigate the impacts of traffic calming  
4232 measures and highway reduction strategies previously implemented on:

4233 (A) 300 West from 400 South to 900 South;

4234 (B) 200 South from 300 West to 300 East; and

4235 (C) 400 South from West Temple to Interstate 15; and

4236 (vi) the city will continually evaluate roads of all tiers within the study area for  
4237 safety, efficiency, and effectiveness for all modes of transportation; and

4238 (b) adopt and codify a critical capacity routes map into the city's transportation plans and  
4239 ordinances.

4240 (2)(a)(i) The agreement described in Subsection (1)(a) may allow for implementation  
4241 of one or more safety improvements on a tier one road described in Subsection  
4242 (1)(a)(ii), if the safety improvements are primarily intended to enhance the safety  
4243 of all roadway users and do not materially reduce travel capacity or the number of  
4244 motorized vehicle travel lanes.

- 4245 (ii) Before implementing a safety improvement under this Subsection (2), the city  
4246 shall:
- 4247 (A) complete a thorough data collection and impact analysis;  
4248 (B) complete a thorough community and business engagement campaign that  
4249 includes engagement with key stakeholders; and  
4250 (C) receive approval for the project from the department.
- 4251 (b)(i) Where possible, the city shall maintain the width of a vehicle travel lane on a  
4252 tier one road and tier two road within the study area at a width of at least 11 feet.
- 4253 (ii) The city may not implement a highway reduction strategy on a tier three road  
4254 within the study area that permanently reduces the width of a highway lane below  
4255 10 feet.
- 4256 (iii) The department may reject a proposed highway reduction strategy on a tier one  
4257 road or tier two road within the study area that, in the department's discretion, is  
4258 not in the best interest of traffic management, flow, or safety.
- 4259 (c)(i) Before the city may reduce parking by three or more parking stalls on a block  
4260 face of a tier one or tier two road within the study area, the city shall:
- 4261 (A) engage with the stakeholders in the immediate vicinity of the block face to  
4262 assess potential impacts and alternatives; and
- 4263 (B) inform the department if the stakeholder engagement described in Subsection  
4264 (2)(c)(i)(A) results in a determination to reduce parking by three or more stalls.
- 4265 (ii) In determining whether a strategy has the potential to permanently impact  
4266 availability and accessibility to on-street parking:
- 4267 (A) a parking fee or hour restriction is not considered a permanent reduction of  
4268 parking stalls on a block face; and
- 4269 (B) if a strategy that reduces on-street parking provides additional parking due to  
4270 construction or access to a new parking structure, the proposed project is not  
4271 considered a reduction in on-street parking if the aggregate availability of  
4272 parking does not decrease.
- 4273 (iii) The city shall follow the requirements and guidelines of the agreement described  
4274 in Subsection (1)(a) with regard to permanent parking reduction.
- 4275 (d) To develop the plan for mitigation described in Subsection (1)(a)(v), the city:
- 4276 (i) may engage and consult with stakeholders and the department to assess potential  
4277 impacts and alternatives; and
- 4278 (ii) shall obtain approval from the department of the proposed plan for each highway.

- 4279     (3)(a) On or before November 30, 2027, and annually thereafter, the city, in consultation  
4280             with the department, shall provide a written report to the Transportation Interim  
4281             Committee with an update on the agreement and the status of highway reduction  
4282             strategies and projects within the study area.
- 4283     (b) On or before November 30, 2028, the Transportation Interim Committee shall review  
4284             the reports required in Subsection (3)(a) and determine whether the report should  
4285             continue.
- 4286     (4) The city may exercise the city's discretion with regard to any tier four road.
- 4287     (5) The city shall publish the critical capacity routes map on the city website.
- 4288     (6) The city mayor and the executive director shall sign and approve the agreement.
- 4289             Section 35. **Effective Date.**
- 4290     (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
- 4291     (2) The actions affecting the following sections take effect on July 1, 2026:
- 4292             (a) Section 59-12-104 (Effective 07/01/26);
- 4293             (b) Section 59-12-2220 (Effective 07/01/26); and
- 4294             (c) Section 72-2-124 (Effective 07/01/26).