

Motor Vehicle Division Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill amends provisions pertaining to the Motor Vehicle Division to make technical changes and clean up.

Highlighted Provisions:

This bill:

- defines terms related to trailers, motorboats, and motorcycles;
- clarifies that a street-legal off-highway vehicle includes an off-highway motorcycle that has been modified to have equipment necessary for on-highway use;
- clarifies which registration fees apply to certain vehicles;
- amends provisions related to insurance for a motorboat, to only require the designated agent to notify the Motor Vehicle Division of a lapse in coverage during the months of April through October;
- revises provisions related to sales and use taxes to simplify certain earmarks; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-70-207, as enacted by Laws of Utah 2024, Chapter 419

26B-1-315, as last amended by Laws of Utah 2024, Chapter 439

41-1a-102, as last amended by Laws of Utah 2024, Chapter 483

41-1a-110, as last amended by Laws of Utah 2023, Chapter 212

41-1a-1206, as last amended by Laws of Utah 2024, Chapter 483

41-6a-102, as last amended by Laws of Utah 2024, Chapter 236

41-6a-1509, as last amended by Laws of Utah 2024, Chapter 459

41-12a-804, as last amended by Laws of Utah 2024, Chapter 236

32 **41-22-2**, as last amended by Laws of Utah 2024, Chapter 242
33 **41-22-3**, as last amended by Laws of Utah 2024, Chapter 236
34 **41-22-5.5**, as last amended by Laws of Utah 2022, Chapter 68
35 **41-22-10.7**, as last amended by Laws of Utah 2022, Chapter 68
36 **41-22-10.8**, as last amended by Laws of Utah 2010, Chapter 363
37 **51-9-902**, as last amended by Laws of Utah 2024, Chapter 41
38 **53-2a-1102**, as last amended by Laws of Utah 2023, Chapters 34, 471
39 **59-12-102**, as last amended by Laws of Utah 2024, Chapter 274
40 **59-12-103**, as last amended by Laws of Utah 2024, Chapters 88, 501
41 **59-12-104.2**, as last amended by Laws of Utah 2022, Chapter 274
42 **59-12-1201**, as last amended by Laws of Utah 2024, Chapter 274
43 **63N-2-510**, as last amended by Laws of Utah 2023, Chapter 471
44 **63N-2-512**, as last amended by Laws of Utah 2024, Chapter 159
45 **72-2-106**, as last amended by Laws of Utah 2023, Chapter 22
46 **72-2-124**, as last amended by Laws of Utah 2024, Chapters 498, 501
47 **73-2-1.6**, as last amended by Laws of Utah 2024, Chapter 154

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

50 Section 1. Section **11-70-207** is amended to read:

51 **11-70-207 . Use of fairpark district funds.**

- 52 (1)(a) Subject to Subsection (2), the fairpark district may use fairpark district funds for
53 any purpose authorized under this chapter, including to pay for:
- 54 (i) the development and construction of a qualified stadium;
 - 55 (ii) administrative, overhead, legal, consulting, and other operating expenses of the
56 fairpark district;
 - 57 (iii) all or part of the development of land within a project area, including:
 - 58 (A) financing or refinancing; and
 - 59 (B) assisting the ongoing operation of a development or facility within the project
60 area;
 - 61 (iv) the cost of the installation of public infrastructure and improvements outside a
62 project area if the board determines by resolution that the infrastructure and
63 improvements are of benefit to the project area;
 - 64 (v) the principal and interest on bonds issued by the fairpark district;
 - 65 (vi) the payment of an infrastructure loan, as defined in Section 11-70-104, according

- 66 to the terms of the infrastructure loan; and
- 67 (vii) the costs of promoting, facilitating, and implementing other development of land
- 68 within the fairpark district boundary.
- 69 (b) The determination of the board under Subsection (1)(a)(iv) regarding benefit to the
- 70 project area is final.
- 71 (2)(a) The fairpark district may use money it receives under Subsection 59-12-1201
- 72 (2)(a)(ii) and Subsection ~~[59-12-103(16)]~~ 59-12-103(8) only for the development and
- 73 construction of a qualified stadium, including paying for bonds issued to pay for the
- 74 development and construction of a qualified stadium.
- 75 (b) If the amount of money the fairpark district receives under Subsection (2)(a) exceeds
- 76 the amount required to pay the annual debt service on bonds issued to pay for the
- 77 development and construction of a qualified stadium, the fairpark district shall use
- 78 the excess amount received to pay down the principal on those bonds.
- 79 (3) The fairpark district may share enhanced property tax revenue with a taxing entity that
- 80 levies a property tax on land within the project area from which the enhanced property
- 81 tax revenue is generated.
- 82 Section 2. Section **26B-1-315** is amended to read:
- 83 **26B-1-315 . Medicaid ACA Fund.**
- 84 (1) There is created an expendable special revenue fund known as the "Medicaid ACA
- 85 Fund."
- 86 (2) The fund consists of:
- 87 (a) assessments collected under Chapter 3, Part 5, Inpatient Hospital Assessment;
- 88 (b) intergovernmental transfers under Section 26B-3-508;
- 89 (c) savings attributable to the health coverage improvement program, as defined in
- 90 Section 26B-3-501, as determined by the department;
- 91 (d) savings attributable to the enhancement waiver program, as defined in Section
- 92 26B-3-501, as determined by the department;
- 93 (e) savings attributable to the Medicaid waiver expansion, as defined in Section
- 94 26B-3-501, as determined by the department;
- 95 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
- 96 under Subsection 26B-3-105(3) as determined by the department;
- 97 (g) revenues collected from the sales tax described in Subsection ~~[59-12-103(11)]~~
- 98 59-12-103(6);
- 99 (h) gifts, grants, donations, or any other conveyance of money that may be made to the

fund from private sources;

(i) interest earned on money in the fund; and

(j) additional amounts as appropriated by the Legislature.

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

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

(4)(a) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may use money from the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

(i) the health coverage improvement program as defined in Section 26B-3-501;

(ii) the enhancement waiver program as defined in Section 26B-3-501;

(iii) a Medicaid waiver expansion as defined in Section 26B-3-501; and

(iv) the outpatient upper payment limit supplemental payments under Section 26B-3-511.

(b) A state agency administering the provisions of Chapter 3, Part 5, Inpatient Hospital Assessment, may not use:

(i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper payment limit supplemental payments; or

(ii) money in the fund for any purpose not described in Subsection (4)(a).

Section 3. Section **41-1a-102** is amended to read:

41-1a-102 . Definitions.

As used in this chapter:

(1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

(2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.

(3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

(4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

(5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

(6) "Alternative fuel vehicle" means:

(a) an electric motor vehicle;

(b) a hybrid electric motor vehicle;

(c) a plug-in hybrid electric motor vehicle; or

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

(i) motor fuel;

(ii) diesel fuel;

- 134 (iii) natural gas; or
135 (iv) propane.
- 136 (7) "Amateur radio operator" means a person licensed by the Federal Communications
137 Commission to engage in private and experimental two-way radio operation on the
138 amateur band radio frequencies.
- 139 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 140 (9) "Automated driving system" means the same as that term is defined in Section
141 41-26-102.1.
- 142 (10) "Branded title" means a title certificate that is labeled:
- 143 (a) rebuilt and restored to operation;
144 (b) flooded and restored to operation; or
145 (c) not restored to operation.
- 146 (11) "Camper" means a structure designed, used, and maintained primarily to be mounted
147 on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile
148 dwelling, sleeping place, commercial space, or facilities for human habitation or for
149 camping.
- 150 (12) "Certificate of title" means a document issued by a jurisdiction to establish a record of
151 ownership between an identified owner and the described vehicle, vessel, or outboard
152 motor.
- 153 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
154 weighmaster.
- 155 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained
156 for the transportation of persons or property that operates:
- 157 (a) as a carrier for hire, compensation, or profit; or
158 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
159 owner's commercial enterprise.
- 160 (15) "Commission" means the State Tax Commission.
- 161 (16) "Consumer price index" means the same as that term is defined in Section 59-13-102.
- 162 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
163 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright
164 or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an
165 established place of business for the sale, lease, trade, or display of vehicles, vessels, or
166 outboard motors.
- 167 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

- (19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- (20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
- (22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.
- (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
- (24)(a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:
- (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
 - (ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
 - (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
- (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
- (25) "Fleet" means one or more commercial vehicles.
- (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.
- (27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.
- (28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
- (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
- (a) an internal combustion engine or heat engine using consumable fuel; and
 - (b) a rechargeable energy storage system where energy for the storage system comes

solely from sources onboard the vehicle.

(30)(a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(32)(a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.

(33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(35) "Lienholder" means a person with a security interest in particular property.

(36) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(37) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by armed forces and that is maintained in a condition that represents the vehicle's military design and markings regardless of current ownership or use.

(39) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal

Manufactured Housing and Safety Standards Act (HUD Code).

(40) "Motor fuel" means the same as that term is defined in Section 59-13-102.

(41)(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(b) "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.

(c) "Motor vehicle" does not include:

(i) an off-highway vehicle; or

(ii) a motor assisted scooter as defined in Section 41-6a-102.

(42) "Motorboat" means the same as that term is defined in Section [73-18-2] 73-18c-102.

(43) "Motorcycle" means:

(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an autocycle.

(44) "Natural gas" means a fuel of which the primary constituent is methane.

(45)(a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(46) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(47) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.

(48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(49)(a) "Operate" means:

(i) to navigate a vessel; or

(ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

(A) a human driver as defined in Section 41-26-102.1; or

- 270 (B) an engaged automated driving system.
- 271 (b) "Operate" includes testing of an automated driving system.
- 272 (50) "Original issue license plate" means a license plate that is of a format and type issued
273 by the state in the same year as the model year of a vehicle that is a model year 1973 or
274 older.
- 275 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel
276 supply, used to propel a vessel.
- 277 (52)(a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
278 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
279 subject to a security interest.
- 280 (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale
281 or mortgage of the vehicle with the right of purchase upon performance of the
282 conditions stated in the agreement and with an immediate right of possession vested
283 in the conditional vendee or mortgagor, or if the vehicle is the subject of a security
284 agreement, then the conditional vendee, mortgagor, or debtor is considered the owner
285 for the purposes of this chapter.
- 286 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner
287 until the lessee exercises the lessee's option to purchase the vehicle.
- 288 (53) "Park model recreational vehicle" means a unit that:
- 289 (a) is designed and marketed as temporary living quarters for recreational, camping,
290 travel, or seasonal use;
- 291 (b) is not permanently affixed to real property for use as a permanent dwelling;
- 292 (c) requires a special highway movement permit for transit; and
- 293 (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding
294 400 square feet in the setup mode.
- 295 (54) "Personalized license plate" means a license plate that has displayed on it a
296 combination of letters, numbers, or both as requested by the owner of the vehicle and
297 assigned to the vehicle by the division.
- 298 (55)(a) "Pickup truck" means a two-axle motor vehicle with motive power
299 manufactured, remanufactured, or materially altered to provide an open cargo area.
- 300 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
301 camper, camper shell, tarp, removable top, or similar structure.
- 302 (56) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has
303 the capability to charge the battery or batteries used for vehicle propulsion from an

off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.

(57) "Pneumatic tire" means a tire in which compressed air is designed to support the load.

(58) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(59) "Public garage" means a building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

(60) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

(61) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(62) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.

(63) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

(64) "Registration decal" means the decal issued by the division that is evidence of compliance with the division's registration requirements.

(65)(a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.

(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.

(66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.

(67) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507

(1)(a)(i)(B).

(68) "Restored-modified vehicle" means a motor vehicle that has been restored and

modified with modern parts and technology, including emission control technology and an on-board diagnostic system.

(69) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

(70) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.

(71) "Sailboat" means the same as that term is defined in Section 73-18-2.

(72) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

~~[(73) "Semitrailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.]~~

(73) "Semitrailer" means the same as the term "trailer."

(74) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

(75)(a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

(i) 20 years or older from the current year; or

(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making a determination under Subsection (75)(a), the division director shall give special consideration to:

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(76)(a) "Special mobile equipment" means a vehicle:

(i) not designed or used primarily for the transportation of persons or property;

(ii) not designed to operate in traffic; and

(iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

(i) farm tractors;

(ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

(iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.

(77) "Specially constructed vehicle" means a vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(78)(a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).

(b) "Standard license plate" includes a license plate for general issue that the division issues before January 1, 2024.

(79) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission as described in Subsection 41-1a-1101(7).

(80) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term is defined in Section 41-6a-102.

(81) "Symbol decal" means the decal that is designed to represent a special group and displayed on a special group license plate.

(82) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

(83)(a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

(84) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

(85) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

~~[(86) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its~~

weight rests upon the towing vehicle.]

(86) "Trailer" means a vehicle:

(a) without motive power; and

(b) designed for:

(i) carrying persons or property; and

(ii) being drawn by a motor vehicle.

(87) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

(88) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

(89) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(90) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(91) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

(92) "Vessel" means the same as that term is defined in Section 73-18-2.

(93) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

(94) "Waters of this state" means the same as that term is defined in Section 73-18-2.

(95) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Section 4. Section **41-1a-110** is amended to read:

41-1a-110 . Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

(1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:

(a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;

(b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(c) a registered vehicle has been dismantled;

(d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;

(e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;

(f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or

(g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

(2)(a) The division shall revoke the registration of a vehicle if the division receives notification by the:

(i) Department of Public Safety that a person:

(A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or 41-12a-303.2; or

(B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301; [or]

(ii) designated agent that the owner of a motor vehicle:

(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or

(B) provided a false or fraudulent statement to the designated agent[.]; or

(iii) designated agent that, during the months of April through October, the owner of a motorboat:

(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or

(B) provided a false or fraudulent statement to the designated agent.

(b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).

(3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.

(4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.

(5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (2).

(6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke

a registered vehicle's registration if the division is notified by a local health department, as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).

- (7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000 pounds.

Section 5. Section **41-1a-1206** is amended to read:

41-1a-1206 . Registration fees -- Fees by gross laden weight.

- (1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:
- (a) \$46.00 for each motorcycle;
 - (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
 - (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
 - (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
 - (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
 - (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
 - (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
 - (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
 - (h) in addition to the fee described in Subsection (1)(b):
 - (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
 - (A) each electric motor vehicle; and
 - (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled

- 508 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
509 propane;
- 510 (ii) \$21.75 for each hybrid electric motor vehicle; and
511 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 512 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a
513 model year of 1983 or newer, 50 cents; and
- 514 (j) \$28.50 for each roadable aircraft.
- 515 (2)(a) At the time application is made for registration or renewal of registration of a
516 vehicle under this chapter for a six-month registration period under Section
517 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 518 (i) \$34.50 for each motorcycle; and
519 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
520 excluding motorcycles.
- 521 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
522 registration of a vehicle under this chapter for a six-month registration period under
523 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 524 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
525 (A) each electric motor vehicle; and
526 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled
527 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
528 propane;
- 529 (ii) \$16.50 for each hybrid electric motor vehicle; and
530 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 531 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 532 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
533 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
534 shall also pay an additional \$7 as part of the registration fee; and
- 535 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
536 pay an additional \$5 as part of the registration fee.
- 537 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
538 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
539 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7),
540 by taking the registration fee rate for the previous year and adding an amount
541 equal to the greater of:

- (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
- (B) 0.
- (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and adding an amount equal to the greater of:
- (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and
- (B) 0.
- (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the nearest 25 cents.
- (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or older is \$40.
- (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal of registration fees under Subsection (1).
- (c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).
- (d) A camper is exempt from the registration fees under Subsection (1).
- (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.
- (6)(a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.
- (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.
- (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.
- (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

- (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- (b)(i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
- (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less than \$200.

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

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

~~[(10)]~~ (11) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 6. Section **41-6a-102** is amended to read:

41-6a-102 . Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.
- (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "Authorized emergency vehicle" includes:
- (a) a fire department vehicle;
- (b) a police vehicle;
- (c) an ambulance; and
- (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.
- (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (7)(a) "Bicycle" means a wheeled vehicle:
- (i) propelled by human power by feet or hands acting upon pedals or cranks;
- (ii) with a seat or saddle designed for the use of the operator;
- (iii) designed to be operated on the ground; and
- (iv) whose wheels are not less than 14 inches in diameter.
- (b) "Bicycle" includes an electric assisted bicycle.

- 610 (c) "Bicycle" does not include scooters and similar devices.
- 611 (8)(a) "Bus" means a motor vehicle:
- 612 (i) designed for carrying more than 15 passengers and used for the transportation of
- 613 persons; or
- 614 (ii) designed and used for the transportation of persons for compensation.
- 615 (b) "Bus" does not include a taxicab.
- 616 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
- 617 in design, located in the center of the intersection where traffic passes to the right of
- 618 the island.
- 619 (b) "Circular intersection" includes:
- 620 (i) roundabouts;
- 621 (ii) rotaries; and
- 622 (iii) traffic circles.
- 623 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 624 motor or electronics that:
- 625 (a) provides assistance only when the rider is pedaling; and
- 626 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 627 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 628 motor or electronics that:
- 629 (a) may be used exclusively to propel the bicycle; and
- 630 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
- 631 per hour.
- 632 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
- 633 motor or electronics that:
- 634 (a) provides assistance only when the rider is pedaling;
- 635 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 636 and
- 637 (c) is equipped with a speedometer.
- 638 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 639 (14) "Controlled-access highway" means a highway, street, or roadway:
- 640 (a) designed primarily for through traffic; and
- 641 (b) to or from which owners or occupants of abutting lands and other persons have no
- 642 legal right of access, except at points as determined by the highway authority having
- 643 jurisdiction over the highway, street, or roadway.

- 644 (15) "Crosswalk" means:
- 645 (a) that part of a roadway at an intersection included within the connections of the lateral
- 646 lines of the sidewalks on opposite sides of the highway measured from:
- 647 (i)(A) the curbs; or
- 648 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 649 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 650 included within the extension of the lateral lines of the existing sidewalk at right
- 651 angles to the centerline; or
- 652 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 653 pedestrian crossing by lines or other markings on the surface.
- 654 (16) "Department" means the Department of Public Safety.
- 655 (17) "Direct supervision" means oversight at a distance within which:
- 656 (a) visual contact is maintained; and
- 657 (b) advice and assistance can be given and received.
- 658 (18) "Divided highway" means a highway divided into two or more roadways by:
- 659 (a) an unpaved intervening space;
- 660 (b) a physical barrier; or
- 661 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 662 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 663 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 664 clear snow from two or more lanes at once.
- 665 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 666 (i) has a power output of not more than 750 watts;
- 667 (ii) has fully operable pedals;
- 668 (iii) has permanently affixed cranks that were installed at the time of the original
- 669 manufacture;
- 670 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 671 (v) is one of the following:
- 672 (A) a class 1 electric assisted bicycle;
- 673 (B) a class 2 electric assisted bicycle;
- 674 (C) a class 3 electric assisted bicycle; or
- 675 (D) a programmable electric assisted bicycle.
- 676 (b) "Electric assisted bicycle" does not include:
- 677 (i) a moped;

- (ii) a motor assisted scooter;
- (iii) a motorcycle;
- (iv) a motor-driven cycle; or
- (v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
 - (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
 - (B) is equipped with a continuous rated motor power of 750 watts or greater;
 - (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
 - (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.

(21)(a) "Electric personal assistive mobility device" means a self-balancing device with:

- (i) two nontandem wheels in contact with the ground;
- (ii) a system capable of steering and stopping the unit under typical operating conditions;
- (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- (v) a deck design for a person to stand while operating the device.

(b) "Electric personal assistive mobility device" does not include a wheelchair.

(22) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

(23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.

- 712 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
713 defined in Section 72-1-102.
- 714 (26)(a) "Golf cart" means a device that:
- 715 (i) is designed for transportation by players on a golf course;
 - 716 (ii) has not less than three wheels in contact with the ground;
 - 717 (iii) has an unladen weight of less than 1,800 pounds;
 - 718 (iv) is designed to operate at low speeds; and
 - 719 (v) is designed to carry not more than six persons including the driver.
- 720 (b) "Golf cart" does not include:
- 721 (i) a low-speed vehicle or an off-highway vehicle;
 - 722 (ii) a motorized wheelchair;
 - 723 (iii) an electric personal assistive mobility device;
 - 724 (iv) an electric assisted bicycle;
 - 725 (v) a motor assisted scooter;
 - 726 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
 - 727 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 728 (27) "Gore area" means the area delineated by two solid white lines that is between a
729 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
730 including similar areas between merging or splitting highways.
- 731 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
732 load on the vehicle.
- 733 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 734 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
 - 735 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
736 highway or railroad tracks.
- 737 (30) "Highway" means the entire width between property lines of every way or place of any
738 nature when any part of it is open to the use of the public as a matter of right for
739 vehicular travel.
- 740 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 741 (32)(a) "Intersection" means the area embraced within the prolongation or connection of
742 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
743 two or more highways that join one another.
- 744 (b) Where a highway includes two roadways 30 feet or more apart:
- 745 (i) every crossing of each roadway of the divided highway by an intersecting

- 746 highway is a separate intersection; and
- 747 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 748 every crossing of two roadways of the highways is a separate intersection.
- 749 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 750 (33) "Island" means an area between traffic lanes or at an intersection for control of vehicle
- 751 movements or for pedestrian refuge designated by:
- 752 (a) pavement markings, which may include an area designated by two solid yellow lines
- 753 surrounding the perimeter of the area;
- 754 (b) channelizing devices;
- 755 (c) curbs;
- 756 (d) pavement edges; or
- 757 (e) other devices.
- 758 (34) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act
- 759 of overtaking and passing another vehicle that is stopped in the same direction of travel
- 760 in the same lane.
- 761 (35) "Law enforcement agency" means the same as that term is as defined in Section
- 762 53-1-102.
- 763 (36) "Limited access highway" means a highway:
- 764 (a) that is designated specifically for through traffic; and
- 765 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 766 persons have any right or easement, or have only a limited right or easement of
- 767 access, light, air, or view.
- 768 (37) "Local highway authority" means the legislative, executive, or governing body of a
- 769 county, municipal, or other local board or body having authority to enact laws relating to
- 770 traffic under the constitution and laws of the state.
- 771 (38)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 772 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 773 (ii) has a capacity of not more than six passengers, including a conventional driver or
- 774 fallback-ready user if on board the vehicle, as those terms are defined in Section
- 775 41-26-102.1.
- 776 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 777 (39) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or
- 778 partly of metal or other hard nonresilient material.
- 779 (40)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or

saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

(i) designed for off-highway use; and

(ii) registered as an off-highway vehicle under Section 41-22-3.

(41) "Mobile home" means:

(a) a trailer or semitrailer that is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (41)(a), but that is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(42) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

(43)(a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor that:

(A) produces not more than two brake horsepower; and

(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

(44)(a) "Motor assisted scooter" means a self-propelled device with:

- 814 (i) at least two wheels in contact with the ground;
- 815 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 816 (iii) an electric motor not exceeding 2,000 watts;
- 817 (iv) either:
- 818 (A) handlebars and a deck design for a person to stand while operating the device;
- 819 or
- 820 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 821 operating the device;
- 822 (v) a design for the ability to be propelled by human power alone; and
- 823 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 824 (b) "Motor assisted scooter" does not include:
- 825 (i) an electric assisted bicycle; or
- 826 (ii) a motor-driven cycle.
- 827 (45)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 828 propelled by electric power obtained from overhead trolley wires, but not operated
- 829 upon rails.
- 830 (b) "Motor vehicle" does not include:
- 831 (i) vehicles moved solely by human power;
- 832 (ii) motorized wheelchairs;
- 833 (iii) an electric personal assistive mobility device;
- 834 (iv) an electric assisted bicycle;
- 835 (v) a motor assisted scooter;
- 836 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 837 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 838 (46) "Motorcycle" means:
- 839 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 840 and designed to travel with not more than three wheels in contact with the ground; or
- 841 (b) an auticycle.
- 842 (47)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 843 having:
- 844 (i) an engine with less than 150 cubic centimeters displacement; or
- 845 (ii) a motor that produces not more than five horsepower.
- 846 (b) "Motor-driven cycle" does not include:
- 847 (i) an electric personal assistive mobility device;

- 848 (ii) a motor assisted scooter; or
849 (iii) an electric assisted bicycle.
- 850 (48) "Off-highway implement of husbandry" means the same as that term is defined under
851 Section 41-22-2.
- 852 (49) "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
- 853 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
854 41-22-2.
- 855 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 856 ~~[(51)]~~ (52) "Operator" means:
- 857 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
858 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
859 vehicle.
- 860 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
861 other device operated, alone or coupled with another device, on stationary rails.
- 862 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
863 occupied or not.
- 864 (b) "Park" or "parking" does not include:
- 865 (i) the standing of a vehicle temporarily for the purpose of and while actually
866 engaged in loading or unloading property or passengers; or
867 (ii) a motor vehicle with an engaged automated driving system that has achieved a
868 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 869 ~~[(54)]~~ (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
870 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
871 violations of traffic laws.
- 872 ~~[(55)]~~ (56) "Pedestrian" means a person traveling:
- 873 (a) on foot; or
874 (b) in a wheelchair.
- 875 ~~[(56)]~~ (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
876 pedestrians.
- 877 ~~[(57)]~~ (58) "Person" means a natural person, firm, copartnership, association, corporation,
878 business trust, estate, trust, partnership, limited liability company, association, joint
879 venture, governmental agency, public corporation, or any other legal or commercial
880 entity.
- 881 ~~[(58)]~~ (59) "Pole trailer" means a vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

~~[(59)]~~ (60) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~[(60)]~~ (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.

~~[(61)]~~ (62) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.

~~[(62)]~~ (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~[(63)]~~ (64) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.

~~[(64)]~~ (65) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.

~~[(65)]~~ (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.

~~[(66)]~~ (67)(a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.

(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.

(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

~~[(67)]~~ (68) "Safety zone" means the area or space officially set apart within a roadway for

the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

~~[(68)]~~ (69)(a) "School bus" means a motor vehicle that:

- (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
- (ii) is used to transport school children to or from school or school activities.

(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

~~[(69)]~~ (70)(a) "Semitrailer" means a vehicle with or without motive power:

- (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
- (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

~~[(70)]~~ (71) "Shoulder area" means:

- (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
- (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.

(b) "Soft-surface trail" does not mean a trail:

- (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or
- (ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.

~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.

~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

- 950 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.
- 951 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a
- 952 vehicle, whether occupied or not, except when:
- 953 (a) necessary to avoid conflict with other traffic; or
- 954 (b) in compliance with the directions of a peace officer or traffic-control device.
- 955 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
- 956 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway
- 957 motorcycle, that is modified to meet the requirements of Section 41-6a-1509 to operate
- 958 on highways in the state in accordance with Section 41-6a-1509.
- 959 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
- 960 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
- 961 operate on highways in the state in accordance with with Section 41-6a-1509.
- 962 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 963 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section
- 964 72-9-102.
- 965 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
- 966 conveyances either singly or together while using any highway for the purpose of travel.
- 967 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed,
- 968 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 969 ~~[(83)]~~ (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
- 970 with this chapter placed or erected by a highway authority for the purpose of regulating,
- 971 warning, or guiding traffic.
- 972 ~~[(84)]~~ (85) "Traffic-control signal" means a device, whether manually, electrically, or
- 973 mechanically operated, by which traffic is alternately directed to stop and permitted to
- 974 proceed.
- 975 ~~[(85)]~~ (86)(a) "Trailer" means a vehicle with or without motive power designed for
- 976 carrying persons or property and for being drawn by a motor vehicle and constructed
- 977 so that no part of its weight rests upon the towing vehicle.
- 978 (b) "Trailer" does not include a pole trailer.
- 979 ~~[(86)]~~ (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
- 980 transportation of property.
- 981 ~~[(87)]~~ (88) "Truck tractor" means a motor vehicle:
- 982 (a) designed and used primarily for drawing other vehicles; and
- 983 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck

984 tractor.

985 [(88)] (89) "Two-way left turn lane" means a lane:

986 (a) provided for vehicle operators making left turns in either direction;

987 (b) that is not used for passing, overtaking, or through travel; and

988 (c) that has been indicated by a lane traffic-control device that may include lane
989 markings.

990 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in
991 which structures devoted to business, industry, or dwelling houses are situated at
992 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

993 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be
994 transported or drawn on a highway, except a mobile carrier, as defined in Section
995 41-6a-1120, or a device used exclusively on stationary rails or tracks.

996 Section 7. Section **41-6a-1509** is amended to read:

997 **41-6a-1509 . Street-legal all-terrain vehicle -- Operation on highways --**

998 **Registration and licensing requirements -- Equipment requirements.**

999 (1)(a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain
1000 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an
1001 off-highway motorcycle, that meets the requirements of this section as a street-legal
1002 ATV on a street or highway.

1003 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle,
1004 or all-terrain type III vehicle, or an off-highway motorcycle, as a street-legal ATV on
1005 a highway if:

1006 (i) the highway is an interstate system as defined in Section 72-1-102; or

1007 (ii) the highway is in a county of the first class and both of the following criterion is
1008 met:

1009 (A) the highway is near a grade separated portion of the highway; and

1010 (B) the highway has a posted speed limit higher than 50 miles per hour.

1011 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
1012 is not open to motor vehicle use.

1013 (2)(a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that
1014 is registered as a novel vehicle on a street or highway, if the vehicle meets the
1015 requirements of this section as a street-legal novel vehicle.

1016 (b) An individual may not operate a vehicle registered as a novel vehicle as a street-legal
1017 novel vehicle on a highway if:

- 1018 (i) the highway is an interstate system as defined in Section 72-1-102; or
1019 (ii) the highway is in a county of the first class and both of the following criterion are
1020 met:
1021 (A) the highway is near a grade separated portion of the highway; and
1022 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 1023 (c) Nothing in this section authorizes the operation of a street-legal novel vehicle in an
1024 area that is not open to motor vehicle use.
- 1025 (3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1),
1026 Subsection 53-8-205(1)(b), and the same requirements as:
1027 (a) a motorcycle for:
1028 (i) traffic rules under this chapter;
1029 (ii) titling, odometer statement, vehicle identification, license plates, and registration,
1030 excluding registration fees, under Chapter 1a, Motor Vehicle Act; and
1031 (iii) the county motor vehicle emissions inspection and maintenance programs under
1032 Section 41-6a-1642;
1033 (b) a motor vehicle for:
1034 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
1035 (ii) motor vehicle insurance under Chapter 12a, Financial Responsibility of Motor
1036 Vehicle Owners and Operators Act; and
1037 (c) an all-terrain type I or type II vehicle, or an off-highway motorcycle, for off-highway
1038 vehicle provisions under Chapter 22, Off-highway Vehicles, and Chapter 3, Motor
1039 Vehicle Business Regulation Act, unless otherwise specified in this section.
- 1040 (4) A street-legal novel vehicle shall comply with Subsection 41-1a-205(1), Subsection
1041 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section
1042 41-27-201.
- 1043 (5)(a) The owner of an all-terrain type I vehicle or an off-highway motorcycle being
1044 operated as a street-legal ATV shall ensure that the vehicle is equipped with:
1045 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
1046 (ii) one or more tail lamps;
1047 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration
1048 plate with a white light;
1049 (iv) one or more red reflectors on the rear;
1050 (v) one or more stop lamps on the rear;
1051 (vi) amber or red electric turn signals, one on each side of the front and rear;

- (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
- (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
- (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
- (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
- (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- (xii) a speedometer, illuminated for nighttime operation;
- (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and
- (xiv) tires that:
- (A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
 - (B) have at least 2/32 inches or greater tire tread.
- (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle or of a vehicle registered as a novel vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is equipped with:
- (i) two headlamps that meet the requirements of Section 41-6a-1603;
 - (ii) two tail lamps;
 - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
 - (iv) one or more red reflectors on the rear;
 - (v) two stop lamps on the rear;
 - (vi) amber or red electric turn signals, one on each side of the front and rear;
 - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
 - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
 - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

- 1086 (x) rearview mirrors on the right and left side of the driver in accordance with Section
1087 41-6a-1627;
- 1088 (xi) a windshield, unless the operator wears eye protection while operating the
1089 vehicle;
- 1090 (xii) a speedometer, illuminated for nighttime operation;
- 1091 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers,
1092 a seat designed for passengers;
- 1093 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle
1094 occupant;
- 1095 (xv) a seat with a height between 20 and 40 inches when measured at the forward
1096 edge of the seat bottom; and
- 1097 (xvi) tires that:
- 1098 (A) do not exceed 44 inches in height; and
- 1099 (B) have at least 2/32 inches or greater tire tread.
- 1100 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with
1101 wheel covers, mudguards, flaps, or splash aprons.
- 1102 (6)(a) Subject to the requirements of Subsection (6)(b), an operator of a street-legal
1103 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may
1104 not exceed the lesser of:
- 1105 (i) the posted speed limit; or
- 1106 (ii) 50 miles per hour.
- 1107 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
1108 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per
1109 hour, shall:
- 1110 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
1111 roadway; and
- 1112 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the
1113 front and back of both sides of the vehicle.
- 1114 (7)(a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal
1115 novel vehicle, when operating as a street-legal novel vehicle on a highway, may not
1116 exceed the lesser of:
- 1117 (i) the posted speed limit; or
- 1118 (ii) 50 miles per hour.
- 1119 (b) An operator of a street-legal novel vehicle, when operating a street-legal novel

vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

(i) operate the street-legal novel vehicle on the extreme right hand side of the roadway; and

(ii) equip the street-legal novel vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.

- (8)(a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV or street-legal novel vehicle that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (8)(a).

- (9) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.

- (10) A violation of this section is an infraction.

Section 8. Section **41-12a-804** is amended to read:

41-12a-804 . Notice -- Proof -- Revocation of registration -- False statements -- Penalties -- Exemptions -- Sales tax enforcement.

- (1) [If] Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a motor vehicle [~~or motorboat~~] is not insured for three consecutive months, or a motorboat is not insured for two consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle or motorboat that the owner has 15 days to provide:

(a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or

(b) proof of exemption from the owner's or operator's security requirements.

- (2) [If] Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:

(a) provide a second notice to the owner of the motor vehicle or motorboat that the owner now has 15 days to provide:

- 1154 (i) proof of owner's or operator's security in a form allowed under Subsection
1155 41-12a-303.2(2); or
- 1156 (ii) proof of exemption from the owner's or operator's security requirements;
- 1157 (b) for each notice provided, indicate information relating to the owner's failure to
1158 provide proof of owner's or operator's security in the database; and
- 1159 (c) provide this information to state and local law enforcement agencies as requested in
1160 accordance with the provisions under Section 41-12a-805.
- 1161 (3)(a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2)
1162 only apply during the months of April through October.
- 1163 (b) For a motorboat, the designated agent shall comply with the requirement described in
1164 Subsection (2)(c) year-round.
- 1165 ~~[(3)]~~ (4)(a) The Motor Vehicle Division:
- 1166 ~~[(a)]~~ (i) shall revoke the registration upon receiving notification under Subsection
1167 41-1a-110(2);
- 1168 ~~[(b)]~~ (ii) shall provide appropriate notices of the revocation, the legal consequences of
1169 operating a vehicle with revoked registration and without owner's or operator's
1170 security, and instructions on how to get the registration reinstated; and
- 1171 ~~[(c)]~~ (iii) may direct the designated agent to provide the notices under this Subsection [
1172 ~~(3)]~~ (4)(a).
- 1173 (b) For a motorboat, Subsection (4)(a) only applies during the months of April through
1174 October.
- 1175 ~~[(4)]~~ (5) Any action by the Motor Vehicle Division to revoke the registration of a motor
1176 vehicle or motorboat under this section may be in addition to an action by a law
1177 enforcement agency to impose the penalties under Section 41-12a-302 or 41-12a-303.2.
- 1178 ~~[(5)]~~ (6)(a) A person may not provide a false or fraudulent statement to the Motor
1179 Vehicle Division or designated agent.
- 1180 (b) In addition to any other penalties, a person who violates Subsection ~~[(5)(a)]~~ (6)(a) is
1181 guilty of a class B misdemeanor.
- 1182 ~~[(6)]~~ (7) The department and the Motor Vehicle Division shall direct the designated agent to
1183 exempt from this section a farm truck that:
- 1184 (a) meets the definition of a farm truck under Section 41-1a-102; and
- 1185 (b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
- 1186 ~~[(7)]~~ (8) This part does not affect other actions or penalties that may be taken or imposed for
1187 violation of the owner's and operator's security requirements of this chapter.

[8)] (9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat may not be in compliance with motor vehicle or motorboat registration or sales and use tax laws, the Motor Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle or motorboat that information exists which indicates the possible violation.

Section 9. Section **41-22-2** is amended to read:

41-22-2 . Definitions.

As used in this chapter:

- (1) "Advisory council" means an advisory council appointed by the Division of Outdoor Recreation that has within the advisory council's duties advising on policies related to the use of off-highway vehicles.
- (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.
- (3)(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is:
 - (i) an electric-powered vehicle; or
 - (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight of 3,500 pounds or less.
- (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.
- (4)(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (12), or [(22)] (23), designed for or capable of travel over unimproved terrain.
- (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.
- (5) "Commission" means the Outdoor Adventure Commission.

- 1222 (6) "Cross-country" means across natural terrain and off an existing highway, road, route,
1223 or trail.
- 1224 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
1225 wholesale or retail.
- 1226 (8) "Division" means the Division of Outdoor Recreation.
- 1227 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
1228 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
1229 of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 1230 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway
1231 vehicles.
- 1232 (11)(a) "Motor vehicle" means every vehicle which is self-propelled.
- 1233 (b) "Motor vehicle" includes an off-highway vehicle.
- 1234 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
1235 and designed to travel on not more than two tires.
- 1236 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
1237 all-terrain type II vehicle, all-terrain type III vehicle, off-highway motorcycle, or
1238 snowmobile that is used by the owner or the owner's agent for agricultural operations.
- 1239 (14) "Off-highway motorcycle" means an off-highway vehicle that is a motorcycle and is
1240 designed for use primarily off-highway.
- 1241 ~~[(14)]~~ (15) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,
1242 all-terrain type II vehicle, all-terrain type III vehicle, or off-highway motorcycle.
- 1243 ~~[(15)]~~ (16) "Operate" means to control the movement of or otherwise use an off-highway
1244 vehicle.
- 1245 ~~[(16)]~~ (17) "Operator" means the person who is in actual physical control of an off-highway
1246 vehicle.
- 1247 ~~[(17)]~~ (18) "Organized user group" means an off-highway vehicle organization incorporated
1248 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised
1249 Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway
1250 vehicle recreation.
- 1251 ~~[(18)]~~ (19) "Owner" means a person, other than a person with a security interest, having a
1252 property interest or title to an off-highway vehicle and entitled to the use and possession
1253 of that vehicle.
- 1254 ~~[(19)]~~ (20) "Public land" means land owned or administered by any federal or state agency
1255 or any political subdivision of the state.

1256 [(20)] (21) "Register" means the act of assigning a registration number to an off-highway
1257 vehicle.

1258 [(21)] (22) "Roadway" is used as defined in Section 41-6a-102.

1259 [(22)] (23) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
1260 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure
1261 tires, and equipped with a saddle or seat for the use of the rider.

1262 [(23)] (24) "Street or highway" means the entire width between boundary lines of every way
1263 or place of whatever nature, when any part of it is open to the use of the public for
1264 vehicular travel.

1265 [(24)] (25) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
1266 defined in Section 41-6a-102.

1267 Section 10. Section **41-22-3** is amended to read:

1268 **41-22-3 . Registration of vehicles -- Application -- Issuance of sticker and card --**
1269 **Proof of property tax payment -- Records.**

1270 (1)(a) Unless exempted under Section 41-22-9, a person may not operate or place and
1271 an owner may not give another person permission to operate or place any
1272 off-highway vehicle on any public land, trail, street, or highway in this state unless
1273 the off-highway vehicle is registered under this chapter for the current year.

1274 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
1275 vehicle which can be used on any public land, trail, street, or highway in this state,
1276 unless the off-highway vehicle is registered or is in the process of being registered
1277 under this chapter for the current year.

1278 (c) Unless specifically provided in this chapter, the division shall administer license
1279 plates, decals, and registration of off-highway vehicles in accordance with Chapter
1280 1a, Motor Vehicle Act.

1281 (2)(a) The owner of an off-highway vehicle subject to registration under this chapter
1282 shall apply to the Motor Vehicle Division for registration on forms approved by the
1283 Motor Vehicle Division.

1284 (b) An owner of an off-highway vehicle may apply for automatic registration renewal as
1285 described in Section 41-1a-216.

1286 (3) Each application for registration of an off-highway vehicle shall be accompanied by:

1287 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
1288 sale showing ownership, make, model, horsepower or displacement, and serial
1289 number;

- 1290 (b) the past registration card; or
- 1291 (c) the fee for a duplicate.
- 1292 (4)(a)(i) Beginning on January 1, 2023, except as provided in Subsection (4)(e), the
- 1293 first time an off-highway vehicle is registered, the Motor Vehicle Division shall
- 1294 issue one off-highway vehicle license plate, a registration decal, and a registration
- 1295 card.
- 1296 (ii) If an off-highway vehicle has been registered previously in this state but has not
- 1297 been issued an off-highway vehicle license plate, beginning on January 1, 2023,
- 1298 upon application for registration renewal, the Motor Vehicle Division shall issue
- 1299 one off-highway vehicle license plate, a registration decal, and a registration card.
- 1300 (b) Upon each annual registration, the Motor Vehicle Division shall issue a registration
- 1301 decal and a registration card for each off-highway vehicle registered.
- 1302 (c) The off-highway vehicle license plate:
- 1303 (i) shall contain a unique five-digit number, using numbers, letters, or a combination
- 1304 of numbers and letters, to identify the off-highway vehicle for which it is issued;
- 1305 (ii) shall be affixed to the rear of the off-highway vehicle for which it is issued in a
- 1306 plainly visible and upright position as prescribed by rule of the division under
- 1307 Section 41-22-5.1;
- 1308 (iii) shall be maintained free of foreign materials and in a condition to be clearly
- 1309 legible;
- 1310 (iv) shall be a distinct tan color with black lettering to identify the license plate as an
- 1311 off-highway vehicle license plate;
- 1312 (v) shall have a location to attach the registration decal; and
- 1313 (vi) may not be a personalized license plate or a special group license plate.
- 1314 (d)(i) At all times, proof of registration shall be kept with the off-highway vehicle
- 1315 and shall be available for inspection by a law enforcement officer.
- 1316 (ii) An individual may show proof of registration by displaying:
- 1317 (A) a digital copy or photograph of the registration card on a mobile electronic
- 1318 device;
- 1319 (B) proof of registration on a mobile electronic device through a mobile
- 1320 application approved by the relevant state agency; or
- 1321 (C) an original registration card issued by the Motor Vehicle Division.
- 1322 (e) An off-highway vehicle that is [a] an off-highway motorcycle or a snowmobile is:
- 1323 (i) not required to obtain or display an off-highway vehicle license plate; and

- (ii) required to obtain and display an off-highway vehicle registration sticker.
- (5)(a) Except as provided by Subsection (5)(c), an applicant for a registration card and registration decal shall provide the Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has situs for taxation.
- (b) The certificate required under Subsection (5)(a) shall state one of the following:
- (i) the property tax on the off-highway vehicle for the current year has been paid;
 - (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or
 - (iii) the off-highway vehicle is exempt by law from payment of property tax for the current year.
- (c) An off-highway vehicle for which an off-highway implement of husbandry sticker has been issued in accordance with Section 41-22-5.5 is:
- (i) exempt from the requirement under this Subsection (5);
 - (ii) not required to obtain or purchase an off-highway vehicle license plate; and
 - (iii) required to obtain and display an off-highway vehicle registration sticker.
- (6)(a) All records of the division made or kept under this section shall be classified by the Motor Vehicle Division in the same manner as motor vehicle records are classified under Section 41-1a-116.
- (b) Division records are available for inspection in the same manner as motor vehicle records under Section 41-1a-116.
- (7) A violation of this section is an infraction.
- Section 11. Section **41-22-5.5** is amended to read:
- 41-22-5.5 . Off-highway husbandry vehicles.**
- (1)(a)(i) The owner of an all-terrain type I vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.
- (ii) Each application under Subsection (1)(a)(i) shall be accompanied by:
- (A) evidence of ownership;
 - (B) a title or a manufacturer's certificate of origin; and
 - (C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.
- (iii) The owner shall receive an off-highway implement of husbandry sticker upon

- 1358 production of:
- 1359 (A) the documents required under this Subsection (1); and
- 1360 (B) payment of an off-highway implement of husbandry sticker fee established by
- 1361 the division, after notifying the commission, not to exceed \$10.
- 1362 (b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or
- 1363 highways, it shall also be registered under Section 41-22-3.
- 1364 (c) The off-highway implement of husbandry sticker shall be displayed in a manner
- 1365 prescribed by the division and shall identify the all-terrain type I vehicle, off-highway
- 1366 motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as
- 1367 an off-highway implement of husbandry.
- 1368 (2) The off-highway implement of husbandry sticker is valid only for the life of the
- 1369 ownership of the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II
- 1370 vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.
- 1371 (3) The off-highway implement of husbandry sticker is valid for an all-terrain type I
- 1372 vehicle, off-highway motorcycle, all-terrain type II vehicle, all-terrain type III vehicle,
- 1373 or snowmobile that is being operated adjacent to a roadway:
- 1374 (a) when the all-terrain type I vehicle, off-highway motorcycle, all-terrain type II
- 1375 vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from
- 1376 one parcel of land owned, operated, permitted, or leased for agricultural purposes by
- 1377 the owner of the vehicle to another parcel of land owned, operated, permitted, or
- 1378 leased for agricultural purposes by the owner; and
- 1379 (b) when this operation is necessary for the furtherance of agricultural purposes.
- 1380 (4) If the operation of an off-highway implement of husbandry adjacent to a roadway is
- 1381 impractical, it may be operated on the roadway if the operator exercises due care
- 1382 towards conventional motor vehicle traffic.
- 1383 (5) It is unlawful to operate an off-highway implement of husbandry along, across, or
- 1384 within the boundaries of an interstate freeway.
- 1385 (6) A violation of this section is an infraction.
- 1386 Section 12. Section **41-22-10.7** is amended to read:
- 1387 **41-22-10.7 . Vehicle equipment requirements -- Rulemaking -- Exceptions.**
- 1388 (1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:
- 1389 (a) brakes adequate to control the movement of and to stop and hold the vehicle under
- 1390 normal operating conditions;
- 1391 (b) headlights and taillights when operated between sunset and sunrise;

- 1392 (c) a noise control device and except for a snowmobile, a spark arrestor device; and
1393 (d) when operated on sand dunes designated by the division, a safety flag that is:
1394 (i) red or orange in color;
1395 (ii) a minimum of six by 12 inches; and
1396 (iii) attached to:
1397 (A) the off-highway vehicle so that the safety flag is at least eight feet above the
1398 surface of level ground; or
1399 (B) the protective headgear of a person operating [a] an off-highway motorcycle so
1400 that the safety flag is at least 18 inches above the top of the person's head.
- 1401 (2) A violation of Subsection (1) is an infraction.
- 1402 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1403 division may make rules, after notifying the commission, which set standards for the
1404 equipment and which designate sand dunes where safety flags are required under
1405 Subsection (1).
- 1406 (4) An off-highway implement of husbandry used only in agricultural operations and not
1407 operated on a highway, is exempt from the provisions of this section.
- 1408 Section 13. Section **41-22-10.8** is amended to read:
- 1409 **41-22-10.8 . Protective headgear requirements -- Owner duty -- Penalty for**
1410 **violation.**
- 1411 (1) A person under the age of 18 may not operate or ride on [~~all-terrain type I vehicles,~~
1412 ~~snowmobiles, or motoreycles~~] an all-terrain type I vehicle, a snowmobile, or an
1413 off-highway motorcycle on public land unless the person is wearing a properly fitted and
1414 fastened, United States Department of Transportation safety-rated protective headgear
1415 designed for motorized vehicle use.
- 1416 (2) The owner of an off-highway vehicle or any other person may not give permission to a
1417 person who is under 18 years [~~of age~~] old to operate or ride on an off-highway vehicle in
1418 violation of this section.
- 1419 (3) An operator and passengers of off-highway implements of husbandry operated in the
1420 manner prescribed by Subsections 41-22-5.5(3) and (4) are exempt from the
1421 requirements of this section.
- 1422 (4) Any person convicted of violations of this section is guilty of an infraction and shall be
1423 fined not more than \$50 per offense.
- 1424 (5) A court shall waive \$8 of a fine charged for a violation of Title 41, Chapter 22,
1425 Off-highway Vehicles, to a person operating an off-highway vehicle on public land if

1426 the person was:

1427 (a) 18 years [~~of age~~] old or older at the time of operation; and

1428 (b) wearing protective headgear that complies with the requirements described under
1429 Subsection (1) at the time of operation.

1430 (6) The failure to wear protective headgear:

1431 (a) does not constitute contributory or comparative negligence on the part of a person
1432 seeking recovery for injuries; and

1433 (b) may not be introduced as evidence in any civil litigation on the issue of negligence,
1434 injuries, or the mitigation of damages.

1435 (7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person
1436 operating an off-highway vehicle on public land for a driving under the influence
1437 violation of Section 41-6a-502.

1438 Section 14. Section **51-9-902** is amended to read:

1439 **51-9-902 . Outdoor Adventure Infrastructure Restricted Account.**

1440 (1) There is created within the General Fund a restricted account known as the "Outdoor
1441 Adventure Infrastructure Restricted Account."

1442 (2) The account shall consist of:

1443 (a) money deposited into the account under Subsection [~~59-12-103(15)~~] 59-12-103(4)(h);
1444 and

1445 (b) interest and earnings on money in the account.

1446 (3) Subject to appropriation from the Legislature, money from the account shall be used for:

1447 (a) new construction of outdoor recreation infrastructure;

1448 (b) upgrades of outdoor recreation infrastructure;

1449 (c) the replacement of or structural improvements to outdoor recreation infrastructure;

1450 (d) the acquisition of land, a right-of-way, or easement used in relationship to outdoor
1451 recreation infrastructure;

1452 (e) providing access from state highways, as defined in Section 72-1-102, to outdoor
1453 recreation infrastructure;

1454 (f) the costs associated with bringing new construction or upgrades of outdoor
1455 recreation infrastructure into environmental compliance;

1456 (g) strategic planning related to the development of outdoor recreation infrastructure; or

1457 (h) facilitating avalanche safety forecasting to protect the public in relation to outdoor
1458 recreation infrastructure.

1459 (4) For each fiscal year, beginning with fiscal year 2023-2024, the Division of Finance

shall, subject to appropriation by the Legislature, distribute money from the Outdoor Adventure Infrastructure Restricted Account as follows:

(a) at least 15% to the Department of Natural Resources - Division of State Parks - Capital, to be expended using the department's existing prioritization process for capital projects in state parks described in Subsection (3);

(b) at least 22% to the Department of Natural Resources - Division of Outdoor Recreation - Capital, to be expended for competitive Recreation Restoration Infrastructure grants or Outdoor Recreational Infrastructure grants for outdoor recreation capital projects and related maintenance expenses, where maintenance expenses do not exceed 15% of the appropriation; and

(c) at least 53% to the Department of Natural Resources - Division of Outdoor Recreation - Capital, to be expended for larger outdoor recreation infrastructure projects described in Subsection (3) as recommended to the Legislature by the Outdoor Adventure Commission.

(5) If the Legislature appropriates money to the Department of Transportation from the account, the Transportation Commission, created in Section 72-1-301, shall prioritize projects and determine funding levels in accordance with Subsection 72-1-303(1)(a) based on recommendations of the Department of Transportation.

Section 15. Section **53-2a-1102** is amended to read:

**53-2a-1102 . Search and Rescue Financial Assistance Program -- Uses --
Rulemaking -- Distribution.**

(1) As used in this section:

(a) "Assistance card program" means the Utah Search and Rescue Assistance Card Program created within this section.

(b) "Card" means the Search and Rescue Assistance Card issued under this section to a participant.

(c) "Participant" means an individual, family, or group who is registered pursuant to this section as having a valid card at the time search, rescue, or both are provided.

(d) "Program" means the Search and Rescue Financial Assistance Program created within this section.

(e)(i) "Reimbursable base expenses" means those reasonable expenses incidental to search and rescue activities.

(ii) "Reimbursable base expenses" include:

(A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

- 1494 (B) replacement and upgrade of search and rescue equipment;
1495 (C) training of search and rescue volunteers;
1496 (D) costs of providing life insurance and workers' compensation benefits for
1497 volunteer search and rescue team members under Section 67-20-7.5; and
1498 (E) any other equipment or expenses necessary or appropriate for conducting
1499 search and rescue activities.
- 1500 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an
1501 individual on a regular or permanent payroll, including permanent part-time
1502 employees of any agency of the state.
- 1503 (f) "Rescue" means search services, rescue services, or both search and rescue services.
- 1504 (2) There is created the Search and Rescue Financial Assistance Program within the
1505 division.
- 1506 (3)(a) The financial program and the assistance card program shall be funded from the
1507 following revenue sources:
- 1508 (i) any voluntary contributions to the state received for search and rescue operations;
1509 (ii) money received by the state under Subsection (11) and under Sections 23A-4-209,
1510 41-22-34, and 73-18-24;
1511 (iii) money deposited
1512 under [~~Subsection 59-12-103(13)~~] Section 59-12-103 as a dedicated credit for the
1513 sole use of the Search and Rescue Financial Assistance Program;
1514 (iv) contributions deposited in accordance with Section 41-1a-230.7; and
1515 (v) appropriations made to the program by the Legislature.
- 1516 (b) Money received from the revenue sources in Subsections (3)(a)(i), (ii), and (iv), and
1517 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the
1518 General Fund as a dedicated credit to be used solely for the program.
- 1519 (c) Ten percent of the money described in Subsection (3)(a)(iii) shall be deposited into
1520 the General Fund as a dedicated credit to be used solely to promote the assistance
1521 card program.
- 1522 (d) Funding for the program is nonlapsing.
- 1523 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this
1524 section to reimburse counties for all or a portion of each county's reimbursable base
1525 expenses for search and rescue operations, subject to:
- 1526 (a) the approval of the Search and Rescue Advisory Board as provided in Section
1527 53-2a-1104;
1528

- 1529 (b) money available in the program; and
1530 (c) rules made under Subsection (7).
- 1531 (5) Money described in Subsection (3) may not be used to reimburse for any paid personnel
1532 costs or paid man hours spent in emergency response and search and rescue related
1533 activities.
- 1534 (6) The Legislature finds that these funds are for a general and statewide public purpose.
- 1535 (7) The division, with the approval of the Search and Rescue Advisory Board, shall make
1536 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1537 and consistent with this section:
- 1538 (a) specifying the costs that qualify as reimbursable base expenses;
1539 (b) defining the procedures of counties to submit expenses and be reimbursed;
1540 (c) defining a participant in the assistance card program, including:
1541 (i) individuals; and
1542 (ii) families and organized groups who qualify as participants;
1543 (d) defining the procedure for issuing a card to a participant;
1544 (e) defining excluded expenses that may not be reimbursed under the program, including
1545 medical expenses;
1546 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
1547 Program;
1548 (g) establishing the frequency of review of the fee schedule;
1549 (h) providing for the administration of the program; and
1550 (i) providing a formula to govern the distribution of available money among the counties
1551 for uncompensated search and rescue expenses based on:
1552 (i) the total qualifying expenses submitted;
1553 (ii) the number of search and rescue incidents per county population;
1554 (iii) the number of victims that reside outside the county; and
1555 (iv) the number of volunteer hours spent in each county in emergency response and
1556 search and rescue related activities per county population.
- 1557 (8)(a) The division shall, in consultation with the Division of Outdoor Recreation,
1558 establish the fee schedule of the Utah Search and Rescue Assistance Card Program
1559 under Subsection 63J-1-504(7).
- 1560 (b) The division shall provide a discount of not less than 10% of the card fee under
1561 Subsection (8)(a) to a person who has paid a fee under Section 23A-4-209, 41-22-34,
1562 or 73-18-24 during the same calendar year in which the person applies to be a

participant in the assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:

(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or

(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10)(a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

(b) The program may not be used to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11)(a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23A-4-209, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Division of Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 16. Section **59-12-102** is amended to read:

59-12-102 . Definitions.

As used in this chapter:

(1) "800 service" means a telecommunications service that:

(a) allows a caller to dial a toll-free number without incurring a charge for the call; and

(b) is typically marketed:

(i) under the name 800 toll-free calling;

(ii) under the name 855 toll-free calling;

- 1597 (iii) under the name 866 toll-free calling;
1598 (iv) under the name 877 toll-free calling;
1599 (v) under the name 888 toll-free calling; or
1600 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the
1601 Federal Communications Commission.
- 1602 (2)(a) "900 service" means an inbound toll telecommunications service that:
1603 (i) a subscriber purchases;
1604 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to
1605 the subscriber's:
1606 (A) prerecorded announcement; or
1607 (B) live service; and
1608 (iii) is typically marketed:
1609 (A) under the name 900 service; or
1610 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal
1611 Communications Commission.
- 1612 (b) "900 service" does not include a charge for:
1613 (i) a collection service a seller of a telecommunications service provides to a
1614 subscriber; or
1615 (ii) the following a subscriber sells to the subscriber's customer:
1616 (A) a product; or
1617 (B) a service.
- 1618 (3)(a) "Admission or user fees" includes season passes.
1619 (b) "Admission or user fees" does not include:
1620 (i) annual membership dues to private organizations; or
1621 (ii) a lesson, including a lesson that involves as part of the lesson equipment or a
1622 facility listed in Subsection 59-12-103(1)(f).
- 1623 (4) "Affiliate" or "affiliated person" means a person that, with respect to another person:
1624 (a) has an ownership interest of more than 5%, whether direct or indirect, in that other
1625 person; or
1626 (b) is related to the other person because a third person, or a group of third persons who
1627 are affiliated persons with respect to each other, holds an ownership interest of more
1628 than 5%, whether direct or indirect, in the related persons.
- 1629 (5) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on
1630 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax

- 1631 Agreement after November 12, 2002.
- 1632 (6) "Agreement combined tax rate" means the sum of the tax rates:
- 1633 (a) listed under Subsection (7); and
- 1634 (b) that are imposed within a local taxing jurisdiction.
- 1635 (7) "Agreement sales and use tax" means a tax imposed under:
- 1636 (a) Subsection 59-12-103(2)(a)(i)(A);
- 1637 (b) Subsection 59-12-103(2)(a)(i)(B);
- 1638 ~~[(b)]~~ (c) Subsection 59-12-103(2)(b)(i);
- 1639 ~~[(e)]~~ (d) Subsection 59-12-103(2)(c)(i);
- 1640 ~~[(d)]~~ (e) Subsection 59-12-103(2)(d);
- 1641 ~~[(e)]~~ (f) Subsection 59-12-103(2)(e)(i)(A)~~[(f)]~~;
- 1642 ~~[(f)]~~ (g) Section 59-12-204;
- 1643 ~~[(g)]~~ (h) Section 59-12-401;
- 1644 ~~[(h)]~~ (i) Section 59-12-402;
- 1645 ~~[(i)]~~ (j) Section 59-12-402.1;
- 1646 ~~[(j)]~~ (k) Section 59-12-703;
- 1647 ~~[(k)]~~ (l) Section 59-12-802;
- 1648 ~~[(l)]~~ (m) Section 59-12-804;
- 1649 ~~[(m)]~~ (n) Section 59-12-1102;
- 1650 ~~[(n)]~~ (o) Section 59-12-1302;
- 1651 ~~[(o)]~~ (p) Section 59-12-1402;
- 1652 ~~[(p)]~~ (q) Section 59-12-1802;
- 1653 ~~[(q)]~~ (r) Section 59-12-2003;
- 1654 ~~[(r)]~~ (s) Section 59-12-2103;
- 1655 ~~[(s)]~~ (t) Section 59-12-2213;
- 1656 ~~[(t)]~~ (u) Section 59-12-2214;
- 1657 ~~[(u)]~~ (v) Section 59-12-2215;
- 1658 ~~[(v)]~~ (w) Section 59-12-2216;
- 1659 ~~[(w)]~~ (x) Section 59-12-2217;
- 1660 ~~[(x)]~~ (y) Section 59-12-2218;
- 1661 ~~[(y)]~~ (z) Section 59-12-2219; or
- 1662 ~~[(z)]~~ (aa) Section 59-12-2220.
- 1663 (8) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 1664 (9) "Aircraft maintenance, repair, and overhaul provider" means a business entity:

- 1665 (a) except for:
- 1666 (i) an airline as defined in Section 59-2-102; or
- 1667 (ii) an affiliated group, as defined in Section 59-7-101, except that "affiliated group"
- 1668 includes a corporation that is qualified to do business but is not otherwise doing
- 1669 business in the state, of an airline; and
- 1670 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 1671 whether the business entity performs the following in this state:
- 1672 (i) check, diagnose, overhaul, and repair:
- 1673 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 1674 (B) the parts that comprise an onboard system of a fixed wing turbine powered
- 1675 aircraft;
- 1676 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered
- 1677 aircraft engine;
- 1678 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 1679 aircraft:
- 1680 (A) an inspection;
- 1681 (B) a repair, including a structural repair or modification;
- 1682 (C) changing landing gear; and
- 1683 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 1684 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft
- 1685 and completely apply new paint to the fixed wing turbine powered aircraft; and
- 1686 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 1687 results in a change in the fixed wing turbine powered aircraft's certification
- 1688 requirements by the authority that certifies the fixed wing turbine powered aircraft.
- 1689 (10) "Alcoholic beverage" means a beverage that:
- 1690 (a) is suitable for human consumption; and
- 1691 (b) contains .5% or more alcohol by volume.
- 1692 (11) "Alternative energy" means:
- 1693 (a) biomass energy;
- 1694 (b) geothermal energy;
- 1695 (c) hydroelectric energy;
- 1696 (d) solar energy;
- 1697 (e) wind energy; or
- 1698 (f) energy that is derived from:

- 1699 (i) coal-to-liquids;
1700 (ii) nuclear fuel;
1701 (iii) oil-impregnated diatomaceous earth;
1702 (iv) oil sands;
1703 (v) oil shale;
1704 (vi) petroleum coke; or
1705 (vii) waste heat from:
1706 (A) an industrial facility; or
1707 (B) a power station in which an electric generator is driven through a process in
1708 which water is heated, turns into steam, and spins a steam turbine.
- 1709 (12)(a) Subject to Subsection (12)(b), "alternative energy electricity production facility"
1710 means a facility that:
1711 (i) uses alternative energy to produce electricity; and
1712 (ii) has a production capacity of two megawatts or greater.
- 1713 (b) A facility is an alternative energy electricity production facility regardless of whether
1714 the facility is:
1715 (i) connected to an electric grid; or
1716 (ii) located on the premises of an electricity consumer.
- 1717 (13)(a) "Ancillary service" means a service associated with, or incidental to, the
1718 provision of telecommunications service.
- 1719 (b) "Ancillary service" includes:
1720 (i) a conference bridging service;
1721 (ii) a detailed communications billing service;
1722 (iii) directory assistance;
1723 (iv) a vertical service; or
1724 (v) a voice mail service.
- 1725 (14) "Area agency on aging" means the same as that term is defined in Section 26B-6-101.
- 1726 (15) "Assisted amusement device" means an amusement device, skill device, or ride device
1727 that is started and stopped by an individual:
1728 (a) who is not the purchaser or renter of the right to use or operate the amusement
1729 device, skill device, or ride device; and
1730 (b) at the direction of the seller of the right to use the amusement device, skill device, or
1731 ride device.
- 1732 (16) "Assisted cleaning or washing of tangible personal property" means cleaning or

- 1733 washing of tangible personal property if the cleaning or washing labor is primarily
1734 performed by an individual:
- 1735 (a) who is not the purchaser of the cleaning or washing of the tangible personal property;
1736 and
- 1737 (b) at the direction of the seller of the cleaning or washing of the tangible personal
1738 property.
- 1739 (17) "Authorized carrier" means:
- 1740 (a) in the case of vehicles operated over public highways, the holder of credentials
1741 indicating that the vehicle is or will be operated pursuant to both the International
1742 Registration Plan and the International Fuel Tax Agreement;
- 1743 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating
1744 certificate or air carrier's operating certificate; or
- 1745 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling
1746 stock, a person who uses locomotives, freight cars, railroad work equipment, or other
1747 rolling stock in more than one state.
- 1748 (18)(a) "Biomass energy" means any of the following that is used as the primary source
1749 of energy to produce fuel or electricity:
- 1750 (i) material from a plant or tree; or
- 1751 (ii) other organic matter that is available on a renewable basis, including:
- 1752 (A) slash and brush from forests and woodlands;
- 1753 (B) animal waste;
- 1754 (C) waste vegetable oil;
- 1755 (D) methane or synthetic gas produced at a landfill, as a byproduct of the
1756 treatment of wastewater residuals, or through the conversion of a waste
1757 material through a nonincineration, thermal conversion process;
- 1758 (E) aquatic plants; and
- 1759 (F) agricultural products.
- 1760 (b) "Biomass energy" does not include:
- 1761 (i) black liquor; or
- 1762 (ii) treated woods.
- 1763 (19)(a) "Bundled transaction" means the sale of two or more items of tangible personal
1764 property, products, or services if the tangible personal property, products, or services
1765 are:
- 1766 (i) distinct and identifiable; and

- 1767 (ii) sold for one nonitemized price.
- 1768 (b) "Bundled transaction" does not include:
- 1769 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on
- 1770 the basis of the selection by the purchaser of the items of tangible personal
- 1771 property included in the transaction;
- 1772 (ii) the sale of real property;
- 1773 (iii) the sale of services to real property;
- 1774 (iv) the retail sale of tangible personal property and a service if:
- 1775 (A) the tangible personal property:
- 1776 (I) is essential to the use of the service; and
- 1777 (II) is provided exclusively in connection with the service; and
- 1778 (B) the service is the true object of the transaction;
- 1779 (v) the retail sale of two services if:
- 1780 (A) one service is provided that is essential to the use or receipt of a second
- 1781 service;
- 1782 (B) the first service is provided exclusively in connection with the second service;
- 1783 and
- 1784 (C) the second service is the true object of the transaction;
- 1785 (vi) a transaction that includes tangible personal property or a product subject to
- 1786 taxation under this chapter and tangible personal property or a product that is not
- 1787 subject to taxation under this chapter if the:
- 1788 (A) seller's purchase price of the tangible personal property or product subject to
- 1789 taxation under this chapter is de minimis; or
- 1790 (B) seller's sales price of the tangible personal property or product subject to
- 1791 taxation under this chapter is de minimis; and
- 1792 (vii) the retail sale of tangible personal property that is not subject to taxation under
- 1793 this chapter and tangible personal property that is subject to taxation under this
- 1794 chapter if:
- 1795 (A) that retail sale includes:
- 1796 (I) food and food ingredients;
- 1797 (II) a drug;
- 1798 (III) durable medical equipment;
- 1799 (IV) mobility enhancing equipment;
- 1800 (V) an over-the-counter drug;

- 1801 (VI) a prosthetic device; or
1802 (VII) a medical supply; and
1803 (B) subject to Subsection (19)(f):
1804 (I) the seller's purchase price of the tangible personal property subject to
1805 taxation under this chapter is 50% or less of the seller's total purchase price
1806 of that retail sale; or
1807 (II) the seller's sales price of the tangible personal property subject to taxation
1808 under this chapter is 50% or less of the seller's total sales price of that retail
1809 sale.
- 1810 (c)(i) For purposes of Subsection (19)(a)(i), tangible personal property, a product, or
1811 a service that is distinct and identifiable does not include:
1812 (A) packaging that:
1813 (I) accompanies the sale of the tangible personal property, product, or service;
1814 and
1815 (II) is incidental or immaterial to the sale of the tangible personal property,
1816 product, or service;
1817 (B) tangible personal property, a product, or a service provided free of charge with
1818 the purchase of another item of tangible personal property, a product, or a
1819 service; or
1820 (C) an item of tangible personal property, a product, or a service included in the
1821 definition of "purchase price."
- 1822 (ii) For purposes of Subsection (19)(c)(i)(B), an item of tangible personal property, a
1823 product, or a service is provided free of charge with the purchase of another item
1824 of tangible personal property, a product, or a service if the sales price of the
1825 purchased item of tangible personal property, product, or service does not vary
1826 depending on the inclusion of the tangible personal property, product, or service
1827 provided free of charge.
- 1828 (d)(i) For purposes of Subsection (19)(a)(ii), property sold for one nonitemized price
1829 does not include a price that is separately identified by tangible personal property,
1830 product, or service on the following, regardless of whether the following is in
1831 paper format or electronic format:
1832 (A) a binding sales document; or
1833 (B) another supporting sales-related document that is available to a purchaser.
- 1834 (ii) For purposes of Subsection (19)(d)(i), a binding sales document or another

1835 supporting sales-related document that is available to a purchaser includes:

1836 (A) a bill of sale;

1837 (B) a contract;

1838 (C) an invoice;

1839 (D) a lease agreement;

1840 (E) a periodic notice of rates and services;

1841 (F) a price list;

1842 (G) a rate card;

1843 (H) a receipt; or

1844 (I) a service agreement.

1845 (e)(i) For purposes of Subsection (19)(b)(vi), the sales price of tangible personal
1846 property or a product subject to taxation under this chapter is de minimis if:

1847 (A) the seller's purchase price of the tangible personal property or product is 10%
1848 or less of the seller's total purchase price of the bundled transaction; or

1849 (B) the seller's sales price of the tangible personal property or product is 10% or
1850 less of the seller's total sales price of the bundled transaction.

1851 (ii) For purposes of Subsection (19)(b)(vi), a seller:

1852 (A) shall use the seller's purchase price or the seller's sales price to determine if
1853 the purchase price or sales price of the tangible personal property or product
1854 subject to taxation under this chapter is de minimis; and

1855 (B) may not use a combination of the seller's purchase price and the seller's sales
1856 price to determine if the purchase price or sales price of the tangible personal
1857 property or product subject to taxation under this chapter is de minimis.

1858 (iii) For purposes of Subsection (19)(b)(vi), a seller shall use the full term of a service
1859 contract to determine if the sales price of tangible personal property or a product is
1860 de minimis.

1861 (f) For purposes of Subsection (19)(b)(vii)(B), a seller may not use a combination of the
1862 seller's purchase price and the seller's sales price to determine if tangible personal
1863 property subject to taxation under this chapter is 50% or less of the seller's total
1864 purchase price or sales price of that retail sale.

1865 (20) "Car sharing" means the same as that term is defined in Section 13-48a-101.

1866 (21) "Car-sharing program" means the same as that term is defined in Section 13-48a-101.

1867 (22) "Certified automated system" means software certified by the governing board of the
1868 agreement that:

- 1869 (a) calculates the agreement sales and use tax imposed within a local taxing jurisdiction:
1870 (i) on a transaction; and
1871 (ii) in the states that are members of the agreement;
- 1872 (b) determines the amount of agreement sales and use tax to remit to a state that is a
1873 member of the agreement; and
1874 (c) maintains a record of the transaction described in Subsection (22)(a)(i).
- 1875 (23) "Certified service provider" means an agent certified:
1876 (a) by the governing board of the agreement; and
1877 (b) to perform a seller's sales and use tax functions for an agreement sales and use tax, as
1878 outlined in the contract between the governing board of the agreement and the
1879 certified service provider, other than the seller's obligation under Section 59-12-124
1880 to remit a tax on the seller's own purchases.
- 1881 (24)(a) Subject to Subsection (24)(b), "clothing" means all human wearing apparel
1882 suitable for general use.
1883 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1884 commission shall make rules:
1885 (i) listing the items that constitute "clothing"; and
1886 (ii) that are consistent with the list of items that constitute "clothing" under the
1887 agreement.
- 1888 (25) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.
- 1889 (26) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels
1890 that does not constitute industrial use under Subsection (60) or residential use under
1891 Subsection (115).
- 1892 (27)(a) "Common carrier" means a person engaged in or transacting the business of
1893 transporting passengers, freight, merchandise, or other property for hire within this
1894 state.
1895 (b)(i) "Common carrier" does not include a person that, at the time the person is
1896 traveling to or from that person's place of employment, transports a passenger to
1897 or from the passenger's place of employment.
1898 (ii) For purposes of Subsection (27)(b)(i), in accordance with Title 63G, Chapter 3,
1899 Utah Administrative Rulemaking Act, the commission may make rules defining
1900 what constitutes a person's place of employment.
- 1901 (c) "Common carrier" does not include a person that provides transportation network
1902 services, as defined in Section 13-51-102.

- 1903 (28) "Component part" includes:
- 1904 (a) poultry, dairy, and other livestock feed, and their components;
- 1905 (b) baling ties and twine used in the baling of hay and straw;
- 1906 (c) fuel used for providing temperature control of orchards and commercial greenhouses
- 1907 doing a majority of their business in wholesale sales, and for providing power for
- 1908 off-highway type farm machinery; and
- 1909 (d) feed, seeds, and seedlings.
- 1910 (29) "Computer" means an electronic device that accepts information:
- 1911 (a)(i) in digital form; or
- 1912 (ii) in a form similar to digital form; and
- 1913 (b) manipulates that information for a result based on a sequence of instructions.
- 1914 (30) "Computer software" means a set of coded instructions designed to cause:
- 1915 (a) a computer to perform a task; or
- 1916 (b) automatic data processing equipment to perform a task.
- 1917 (31) "Computer software maintenance contract" means a contract that obligates a seller of
- 1918 computer software to provide a customer with:
- 1919 (a) future updates or upgrades to computer software;
- 1920 (b) support services with respect to computer software; or
- 1921 (c) a combination of Subsections (31)(a) and (b).
- 1922 (32)(a) "Conference bridging service" means an ancillary service that links two or more
- 1923 participants of an audio conference call or video conference call.
- 1924 (b) "Conference bridging service" may include providing a telephone number as part of
- 1925 the ancillary service described in Subsection (32)(a).
- 1926 (c) "Conference bridging service" does not include a telecommunications service used to
- 1927 reach the ancillary service described in Subsection (32)(a).
- 1928 (33) "Construction materials" means any tangible personal property that will be converted
- 1929 into real property.
- 1930 (34) "Delivered electronically" means delivered to a purchaser by means other than tangible
- 1931 storage media.
- 1932 (35)(a) "Delivery charge" means a charge:
- 1933 (i) by a seller of:
- 1934 (A) tangible personal property;
- 1935 (B) a product transferred electronically; or
- 1936 (C) a service; and

- 1937 (ii) for preparation and delivery of the tangible personal property, product transferred
1938 electronically, or services described in Subsection (35)(a)(i) to a location
1939 designated by the purchaser.
- 1940 (b) "Delivery charge" includes a charge for the following:
- 1941 (i) transportation;
- 1942 (ii) shipping;
- 1943 (iii) postage;
- 1944 (iv) handling;
- 1945 (v) crating; or
- 1946 (vi) packing.
- 1947 (36) "Detailed telecommunications billing service" means an ancillary service of separately
1948 stating information pertaining to individual calls on a customer's billing statement.
- 1949 (37) "Dietary supplement" means a product, other than tobacco, that:
- 1950 (a) is intended to supplement the diet;
- 1951 (b) contains one or more of the following dietary ingredients:
- 1952 (i) a vitamin;
- 1953 (ii) a mineral;
- 1954 (iii) an herb or other botanical;
- 1955 (iv) an amino acid;
- 1956 (v) a dietary substance for use by humans to supplement the diet by increasing the
1957 total dietary intake; or
- 1958 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
1959 described in Subsections (37)(b)(i) through (v);
- 1960 (c)(i) except as provided in Subsection (37)(c)(ii), is intended for ingestion in:
- 1961 (A) tablet form;
- 1962 (B) capsule form;
- 1963 (C) powder form;
- 1964 (D) softgel form;
- 1965 (E) gelcap form; or
- 1966 (F) liquid form; or
- 1967 (ii) if the product is not intended for ingestion in a form described in Subsections
1968 (37)(c)(i)(A) through (F), is not represented:
- 1969 (A) as conventional food; and
- 1970 (B) for use as a sole item of:

- 1971 (I) a meal; or
1972 (II) the diet; and
1973 (d) is required to be labeled as a dietary supplement:
1974 (i) identifiable by the "Supplemental Facts" box found on the label; and
1975 (ii) as required by 21 C.F.R. Sec. 101.36.
- 1976 (38)(a) "Digital audio work" means a work that results from the fixation of a series of
1977 musical, spoken, or other sounds.
1978 (b) "Digital audio work" includes a ringtone.
- 1979 (39) "Digital audio-visual work" means a series of related images which, when shown in
1980 succession, imparts an impression of motion, together with accompanying sounds, if any.
- 1981 (40) "Digital book" means a work that is generally recognized in the ordinary and usual
1982 sense as a book.
- 1983 (41)(a) "Direct mail" means printed material delivered or distributed by United States
1984 mail or other delivery service:
1985 (i) to:
1986 (A) a mass audience; or
1987 (B) addressees on a mailing list provided:
1988 (I) by a purchaser of the mailing list; or
1989 (II) at the discretion of the purchaser of the mailing list; and
1990 (ii) if the cost of the printed material is not billed directly to the recipients.
- 1991 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
1992 purchaser to a seller of direct mail for inclusion in a package containing the printed
1993 material.
- 1994 (c) "Direct mail" does not include multiple items of printed material delivered to a single
1995 address.
- 1996 (42) "Directory assistance" means an ancillary service of providing:
1997 (a) address information; or
1998 (b) telephone number information.
- 1999 (43)(a) "Disposable home medical equipment or supplies" means medical equipment or
2000 supplies that:
2001 (i) cannot withstand repeated use; and
2002 (ii) are purchased by, for, or on behalf of a person other than:
2003 (A) a health care facility as defined in Section 26B-2-201;
2004 (B) a health care provider as defined in Section 78B-3-403;

- 2005 (C) an office of a health care provider described in Subsection (43)(a)(ii)(B); or
2006 (D) a person similar to a person described in Subsections (43)(a)(ii)(A) through
2007 (C).
- 2008 (b) "Disposable home medical equipment or supplies" does not include:
2009 (i) a drug;
2010 (ii) durable medical equipment;
2011 (iii) a hearing aid;
2012 (iv) a hearing aid accessory;
2013 (v) mobility enhancing equipment; or
2014 (vi) tangible personal property used to correct impaired vision, including:
2015 (A) eyeglasses; or
2016 (B) contact lenses.
- 2017 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2018 commission may by rule define what constitutes medical equipment or supplies.
- 2019 (44) "Drilling equipment manufacturer" means a facility:
2020 (a) located in the state;
2021 (b) with respect to which 51% or more of the manufacturing activities of the facility
2022 consist of manufacturing component parts of drilling equipment;
2023 (c) that uses pressure of 800,000 or more pounds per square inch as part of the
2024 manufacturing process; and
2025 (d) that uses a temperature of 2,000 or more degrees Fahrenheit as part of the
2026 manufacturing process.
- 2027 (45)(a) "Drug" means a compound, substance, or preparation, or a component of a
2028 compound, substance, or preparation that is:
2029 (i) recognized in:
2030 (A) the official United States Pharmacopoeia;
2031 (B) the official Homeopathic Pharmacopoeia of the United States;
2032 (C) the official National Formulary; or
2033 (D) a supplement to a publication listed in Subsections (45)(a)(i)(A) through (C);
2034 (ii) intended for use in the:
2035 (A) diagnosis of disease;
2036 (B) cure of disease;
2037 (C) mitigation of disease;
2038 (D) treatment of disease; or

- 2039 (E) prevention of disease; or
- 2040 (iii) intended to affect:
- 2041 (A) the structure of the body; or
- 2042 (B) any function of the body.
- 2043 (b) "Drug" does not include:
- 2044 (i) food and food ingredients;
- 2045 (ii) a dietary supplement;
- 2046 (iii) an alcoholic beverage; or
- 2047 (iv) a prosthetic device.
- 2048 (46)(a) "Durable medical equipment" means equipment that:
- 2049 (i) can withstand repeated use;
- 2050 (ii) is primarily and customarily used to serve a medical purpose;
- 2051 (iii) generally is not useful to a person in the absence of illness or injury; and
- 2052 (iv) is not worn in or on the body.
- 2053 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 2054 equipment described in Subsection (46)(a).
- 2055 (c) "Durable medical equipment" does not include mobility enhancing equipment.
- 2056 (47) "Electronic" means:
- 2057 (a) relating to technology; and
- 2058 (b) having:
- 2059 (i) electrical capabilities;
- 2060 (ii) digital capabilities;
- 2061 (iii) magnetic capabilities;
- 2062 (iv) wireless capabilities;
- 2063 (v) optical capabilities;
- 2064 (vi) electromagnetic capabilities; or
- 2065 (vii) capabilities similar to Subsections (47)(b)(i) through (vi).
- 2066 (48) "Electronic financial payment service" means an establishment:
- 2067 (a) within NAICS Code 522320, Financial Transactions Processing, Reserve, and
- 2068 Clearinghouse Activities, of the 2012 North American Industry Classification System
- 2069 of the federal Executive Office of the President, Office of Management and Budget;
- 2070 and
- 2071 (b) that performs electronic financial payment services.
- 2072 (49) "Employee" means the same as that term is defined in Section 59-10-401.

- 2073 (50) "Fixed guideway" means a public transit facility that uses and occupies:
2074 (a) rail for the use of public transit; or
2075 (b) a separate right-of-way for the use of public transit.
- 2076 (51) "Fixed wing turbine powered aircraft" means an aircraft that:
2077 (a) is powered by turbine engines;
2078 (b) operates on jet fuel; and
2079 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 2080 (52) "Fixed wireless service" means a telecommunications service that provides radio
2081 communication between fixed points.
- 2082 (53)(a) "Food and food ingredients" means substances:
2083 (i) regardless of whether the substances are in:
2084 (A) liquid form;
2085 (B) concentrated form;
2086 (C) solid form;
2087 (D) frozen form;
2088 (E) dried form; or
2089 (F) dehydrated form; and
2090 (ii) that are:
2091 (A) sold for:
2092 (I) ingestion by humans; or
2093 (II) chewing by humans; and
2094 (B) consumed for the substance's:
2095 (I) taste; or
2096 (II) nutritional value.
- 2097 (b) "Food and food ingredients" includes an item described in Subsection (99)(b)(iii).
- 2098 (c) "Food and food ingredients" does not include:
2099 (i) an alcoholic beverage;
2100 (ii) tobacco; or
2101 (iii) prepared food.
- 2102 (54)(a) "Fundraising sales" means sales:
2103 (i)(A) made by a school; or
2104 (B) made by a school student;
2105 (ii) that are for the purpose of raising funds for the school to purchase equipment,
2106 materials, or provide transportation; and

- 2107 (iii) that are part of an officially sanctioned school activity.
- 2108 (b) For purposes of Subsection (54)(a)(iii), "officially sanctioned school activity" means
- 2109 a school activity:
- 2110 (i) that is conducted in accordance with a formal policy adopted by the school or
- 2111 school district governing the authorization and supervision of fundraising
- 2112 activities;
- 2113 (ii) that does not directly or indirectly compensate an individual teacher or other
- 2114 educational personnel by direct payment, commissions, or payment in kind; and
- 2115 (iii) the net or gross revenue from which is deposited in a dedicated account
- 2116 controlled by the school or school district.
- 2117 (55) "Geothermal energy" means energy contained in heat that continuously flows outward
- 2118 from the earth that is used as the sole source of energy to produce electricity.
- 2119 (56) "Governing board of the agreement" means the governing board of the agreement that
- 2120 is:
- 2121 (a) authorized to administer the agreement; and
- 2122 (b) established in accordance with the agreement.
- 2123 (57)(a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
- 2124 (i) the executive branch of the state, including all departments, institutions, boards,
- 2125 divisions, bureaus, offices, commissions, and committees;
- 2126 (ii) the judicial branch of the state, including the courts, the Judicial Council, the
- 2127 Administrative Office of the Courts, and similar administrative units in the
- 2128 judicial branch;
- 2129 (iii) the legislative branch of the state, including the House of Representatives, the
- 2130 Senate, the Legislative Printing Office, the Office of Legislative Research and
- 2131 General Counsel, the Office of the Legislative Auditor General, and the Office of
- 2132 the Legislative Fiscal Analyst;
- 2133 (iv) the National Guard;
- 2134 (v) an independent entity as defined in Section 63E-1-102; or
- 2135 (vi) a political subdivision as defined in Section 17B-1-102.
- 2136 (b) "Governmental entity" does not include the state systems of public and higher
- 2137 education, including:
- 2138 (i) a school;
- 2139 (ii) the State Board of Education;
- 2140 (iii) the Utah Board of Higher Education; or

- 2141 (iv) an institution of higher education described in Section 53B-1-102.
- 2142 (58) "Hydroelectric energy" means water used as the sole source of energy to produce
2143 electricity.
- 2144 (59) "Individual-owned shared vehicle" means the same as that term is defined in Section
2145 13-48a-101.
- 2146 (60) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other
2147 fuels:
- 2148 (a) in mining or extraction of minerals;
- 2149 (b) in agricultural operations to produce an agricultural product up to the time of harvest
2150 or placing the agricultural product into a storage facility, including:
- 2151 (i) commercial greenhouses;
- 2152 (ii) irrigation pumps;
- 2153 (iii) farm machinery;
- 2154 (iv) implements of husbandry as defined in Section 41-1a-102 that are not registered
2155 under Title 41, Chapter 1a, Part 2, Registration; and
- 2156 (v) other farming activities;
- 2157 (c) in manufacturing tangible personal property at an establishment described in:
- 2158 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
2159 the federal Executive Office of the President, Office of Management and Budget;
2160 or
- 2161 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
2162 American Industry Classification System of the federal Executive Office of the
2163 President, Office of Management and Budget;
- 2164 (d) by a scrap recycler if:
- 2165 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
2166 process one or more of the following items into prepared grades of processed
2167 materials for use in new products:
- 2168 (A) iron;
- 2169 (B) steel;
- 2170 (C) nonferrous metal;
- 2171 (D) paper;
- 2172 (E) glass;
- 2173 (F) plastic;
- 2174 (G) textile; or

- 2175 (H) rubber; and
- 2176 (ii) the new products under Subsection (60)(d)(i) would otherwise be made with
- 2177 nonrecycled materials; or
- 2178 (e) in producing a form of energy or steam described in Subsection 54-2-1(3)(a) by a
- 2179 cogeneration facility as defined in Section 54-2-1.
- 2180 (61)(a) "Installation charge" means a charge for installing:
- 2181 (i) tangible personal property; or
- 2182 (ii) a product transferred electronically.
- 2183 (b) "Installation charge" does not include a charge for:
- 2184 (i) repairs or renovations of:
- 2185 (A) tangible personal property; or
- 2186 (B) a product transferred electronically; or
- 2187 (ii) attaching tangible personal property or a product transferred electronically:
- 2188 (A) to other tangible personal property; and
- 2189 (B) as part of a manufacturing or fabrication process.
- 2190 (62) "Institution of higher education" means an institution of higher education listed in
- 2191 Section 53B-2-101.
- 2192 (63)(a) "Lease" or "rental" means a transfer of possession or control of tangible personal
- 2193 property or a product transferred electronically for:
- 2194 (i)(A) a fixed term; or
- 2195 (B) an indeterminate term; and
- 2196 (ii) consideration.
- 2197 (b) "Lease" or "rental" includes:
- 2198 (i) an agreement covering a motor vehicle and trailer if the amount of consideration
- 2199 may be increased or decreased by reference to the amount realized upon sale or
- 2200 disposition of the property as defined in Section 7701(h)(1), Internal Revenue
- 2201 Code; and
- 2202 (ii) car sharing.
- 2203 (c) "Lease" or "rental" does not include:
- 2204 (i) a transfer of possession or control of property under a security agreement or
- 2205 deferred payment plan that requires the transfer of title upon completion of the
- 2206 required payments;
- 2207 (ii) a transfer of possession or control of property under an agreement that requires
- 2208 the transfer of title:

- 2209 (A) upon completion of required payments; and
- 2210 (B) if the payment of an option price does not exceed the greater of:
- 2211 (I) \$100; or
- 2212 (II) 1% of the total required payments; or
- 2213 (iii) providing tangible personal property along with an operator for a fixed period of
- 2214 time or an indeterminate period of time if the operator is necessary for equipment
- 2215 to perform as designed.
- 2216 (d) For purposes of Subsection (63)(c)(iii), an operator is necessary for equipment to
- 2217 perform as designed if the operator's duties exceed the:
- 2218 (i) set-up of tangible personal property;
- 2219 (ii) maintenance of tangible personal property; or
- 2220 (iii) inspection of tangible personal property.
- 2221 (64) "Lesson" means a fixed period of time for the duration of which a trained instructor:
- 2222 (a) is present with a student in person or by video; and
- 2223 (b) actively instructs the student, including by providing observation or feedback.
- 2224 (65) "Life science establishment" means an establishment in this state that is classified
- 2225 under the following NAICS codes of the 2007 North American Industry Classification
- 2226 System of the federal Executive Office of the President, Office of Management and
- 2227 Budget:
- 2228 (a) NAICS Code 33911, Medical Equipment and Supplies Manufacturing;
- 2229 (b) NAICS Code 334510, Electromedical and Electrotherapeutic Apparatus
- 2230 Manufacturing; or
- 2231 (c) NAICS Code 334517, Irradiation Apparatus Manufacturing.
- 2232 (66) "Life science research and development facility" means a facility owned, leased, or
- 2233 rented by a life science establishment if research and development is performed in 51%
- 2234 or more of the total area of the facility.
- 2235 (67) "Load and leave" means delivery to a purchaser by use of a tangible storage media if
- 2236 the tangible storage media is not physically transferred to the purchaser.
- 2237 (68) "Local taxing jurisdiction" means a:
- 2238 (a) county that is authorized to impose an agreement sales and use tax;
- 2239 (b) city that is authorized to impose an agreement sales and use tax; or
- 2240 (c) town that is authorized to impose an agreement sales and use tax.
- 2241 (69) "Manufactured home" means the same as that term is defined in Section 15A-1-302.
- 2242 (70) "Manufacturing facility" means:

- 2243 (a) an establishment described in:
- 2244 (i) SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of
- 2245 the federal Executive Office of the President, Office of Management and Budget;
- 2246 or
- 2247 (ii) a NAICS code within NAICS Sector 31-33, Manufacturing, of the 2017 North
- 2248 American Industry Classification System of the federal Executive Office of the
- 2249 President, Office of Management and Budget;
- 2250 (b) a scrap recycler if:
- 2251 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to
- 2252 process one or more of the following items into prepared grades of processed
- 2253 materials for use in new products:
- 2254 (A) iron;
- 2255 (B) steel;
- 2256 (C) nonferrous metal;
- 2257 (D) paper;
- 2258 (E) glass;
- 2259 (F) plastic;
- 2260 (G) textile; or
- 2261 (H) rubber; and
- 2262 (ii) the new products under Subsection (70)(b)(i) would otherwise be made with
- 2263 nonrecycled materials; or
- 2264 (c) a cogeneration facility as defined in Section 54-2-1 if the cogeneration facility is
- 2265 placed in service on or after May 1, 2006.
- 2266 (71)(a) "Marketplace" means a physical or electronic place, platform, or forum where
- 2267 tangible personal property, a product transferred electronically, or a service is offered
- 2268 for sale.
- 2269 (b) "Marketplace" includes a store, a booth, an Internet website, a catalog, or a dedicated
- 2270 sales software application.
- 2271 (72)(a) "Marketplace facilitator" means a person, including an affiliate of the person,
- 2272 that enters into a contract, an agreement, or otherwise with sellers, for consideration,
- 2273 to facilitate the sale of a seller's product through a marketplace that the person owns,
- 2274 operates, or controls and that directly or indirectly:
- 2275 (i) does any of the following:
- 2276 (A) lists, makes available, or advertises tangible personal property, a product

- 2277 transferred electronically, or a service for sale by a marketplace seller on a
2278 marketplace that the person owns, operates, or controls;
- 2279 (B) facilitates the sale of a marketplace seller's tangible personal property, product
2280 transferred electronically, or service by transmitting or otherwise
2281 communicating an offer or acceptance of a retail sale between the marketplace
2282 seller and a purchaser using the marketplace;
- 2283 (C) owns, rents, licenses, makes available, or operates any electronic or physical
2284 infrastructure or any property, process, method, copyright, trademark, or patent
2285 that connects a marketplace seller to a purchaser for the purpose of making a
2286 retail sale of tangible personal property, a product transferred electronically, or
2287 a service;
- 2288 (D) provides a marketplace for making, or otherwise facilitates, a retail sale of
2289 tangible personal property, a product transferred electronically, or a service,
2290 regardless of ownership or control of the tangible personal property, the
2291 product transferred electronically, or the service that is the subject of the retail
2292 sale;
- 2293 (E) provides software development or research and development activities related
2294 to any activity described in this Subsection (72)(a)(i), if the software
2295 development or research and development activity is directly related to the
2296 person's marketplace;
- 2297 (F) provides or offers fulfillment or storage services for a marketplace seller;
- 2298 (G) sets prices for the sale of tangible personal property, a product transferred
2299 electronically, or a service by a marketplace seller;
- 2300 (H) provides or offers customer service to a marketplace seller or a marketplace
2301 seller's purchaser or accepts or assists with taking orders, returns, or exchanges
2302 of tangible personal property, a product transferred electronically, or a service
2303 sold by a marketplace seller on the person's marketplace; or
- 2304 (I) brands or otherwise identifies sales as those of the person; and
- 2305 (ii) does any of the following:
- 2306 (A) collects the sales price or purchase price of a retail sale of tangible personal
2307 property, a product transferred electronically, or a service;
- 2308 (B) provides payment processing services for a retail sale of tangible personal
2309 property, a product transferred electronically, or a service;
- 2310 (C) charges, collects, or otherwise receives a selling fee, listing fee, referral fee,

2311 closing fee, a fee for inserting or making available tangible personal property, a
2312 product transferred electronically, or a service on the person's marketplace, or
2313 other consideration for the facilitation of a retail sale of tangible personal
2314 property, a product transferred electronically, or a service, regardless of
2315 ownership or control of the tangible personal property, the product transferred
2316 electronically, or the service that is the subject of the retail sale;

2317 (D) through terms and conditions, an agreement, or another arrangement with a
2318 third person, collects payment from a purchase for a retail sale of tangible
2319 personal property, a product transferred electronically, or a service and
2320 transmits that payment to the marketplace seller, regardless of whether the
2321 third person receives compensation or other consideration in exchange for the
2322 service; or

2323 (E) provides a virtual currency for a purchaser to use to purchase tangible personal
2324 property, a product transferred electronically, or service offered for sale.

2325 (b) "Marketplace facilitator" does not include:

2326 (i) a person that only provides payment processing services; or

2327 (ii) a person described in Subsection (72)(a) to the extent the person is facilitating a
2328 sale for a seller that is a restaurant as defined in Section 59-12-602.

2329 (73) "Marketplace seller" means a seller that makes one or more retail sales through a
2330 marketplace that a marketplace facilitator owns, operates, or controls, regardless of
2331 whether the seller is required to be registered to collect and remit the tax under this part.

2332 (74) "Member of the immediate family of the producer" means a person who is related to a
2333 producer described in Subsection 59-12-104(20)(a) as a:

2334 (a) child or stepchild, regardless of whether the child or stepchild is:

2335 (i) an adopted child or adopted stepchild; or

2336 (ii) a foster child or foster stepchild;

2337 (b) grandchild or stepgrandchild;

2338 (c) grandparent or stepgrandparent;

2339 (d) nephew or stepnephew;

2340 (e) niece or stepniece;

2341 (f) parent or stepparent;

2342 (g) sibling or stepsibling;

2343 (h) spouse;

2344 (i) person who is the spouse of a person described in Subsections (74)(a) through (g); or

- 2345 (j) person similar to a person described in Subsections (74)(a) through (i) as determined
2346 by the commission by rule made in accordance with Title 63G, Chapter 3, Utah
2347 Administrative Rulemaking Act.
- 2348 (75) "Mobile home" means the same as that term is defined in Section 15A-1-302.
- 2349 (76) "Mobile telecommunications service" means the same as that term is defined in the
2350 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 2351 (77)(a) "Mobile wireless service" means a telecommunications service, regardless of the
2352 technology used, if:
- 2353 (i) the origination point of the conveyance, routing, or transmission is not fixed;
2354 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
2355 (iii) the origination point described in Subsection (77)(a)(i) and the termination point
2356 described in Subsection (77)(a)(ii) are not fixed.
- 2357 (b) "Mobile wireless service" includes a telecommunications service that is provided by
2358 a commercial mobile radio service provider.
- 2359 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2360 commission may by rule define "commercial mobile radio service provider."
- 2361 (78)(a) "Mobility enhancing equipment" means equipment that is:
- 2362 (i) primarily and customarily used to provide or increase the ability to move from one
2363 place to another;
2364 (ii) appropriate for use in a:
2365 (A) home; or
2366 (B) motor vehicle; and
2367 (iii) not generally used by persons with normal mobility.
- 2368 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of
2369 the equipment described in Subsection (78)(a).
- 2370 (c) "Mobility enhancing equipment" does not include:
- 2371 (i) a motor vehicle;
2372 (ii) equipment on a motor vehicle if that equipment is normally provided by the
2373 motor vehicle manufacturer;
2374 (iii) durable medical equipment; or
2375 (iv) a prosthetic device.
- 2376 (79) "Model 1 seller" means a seller registered under the agreement that has selected a
2377 certified service provider as the seller's agent to perform the seller's sales and use tax
2378 functions for agreement sales and use taxes, as outlined in the contract between the

- 2379 governing board of the agreement and the certified service provider, other than the
2380 seller's obligation under Section 59-12-124 to remit a tax on the seller's own purchases.
- 2381 (80) "Model 2 seller" means a seller registered under the agreement that:
- 2382 (a) except as provided in Subsection (80)(b), has selected a certified automated system
2383 to perform the seller's sales tax functions for agreement sales and use taxes; and
2384 (b) retains responsibility for remitting all of the sales tax:
- 2385 (i) collected by the seller; and
2386 (ii) to the appropriate local taxing jurisdiction.
- 2387 (81)(a) Subject to Subsection (81)(b), "model 3 seller" means a seller registered under
2388 the agreement that has:
- 2389 (i) sales in at least five states that are members of the agreement;
2390 (ii) total annual sales revenue of at least \$500,000,000;
2391 (iii) a proprietary system that calculates the amount of tax:
- 2392 (A) for an agreement sales and use tax; and
2393 (B) due to each local taxing jurisdiction; and
2394 (iv) entered into a performance agreement with the governing board of the agreement.
- 2395 (b) For purposes of Subsection (81)(a), "model 3 seller" includes an affiliated group of
2396 sellers using the same proprietary system.
- 2397 (82) "Model 4 seller" means a seller that is registered under the agreement and is not a
2398 model 1 seller, model 2 seller, or model 3 seller.
- 2399 (83) "Modular home" means a modular unit as defined in Section 15A-1-302.
- 2400 (84) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 2401 (85) "Oil sands" means impregnated bituminous sands that:
- 2402 (a) contain a heavy, thick form of petroleum that is released when heated, mixed with
2403 other hydrocarbons, or otherwise treated;
2404 (b) yield mixtures of liquid hydrocarbon; and
2405 (c) require further processing other than mechanical blending before becoming finished
2406 petroleum products.
- 2407 (86) "Oil shale" means a group of fine black to dark brown shales containing kerogen
2408 material that yields petroleum upon heating and distillation.
- 2409 (87) "Optional computer software maintenance contract" means a computer software
2410 maintenance contract that a customer is not obligated to purchase as a condition to the
2411 retail sale of computer software.
- 2412 (88)(a) "Other fuels" means products that burn independently to produce heat or energy.

- 2413 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible
2414 personal property.
- 2415 (89)(a) "Paging service" means a telecommunications service that provides transmission
2416 of a coded radio signal for the purpose of activating a specific pager.
- 2417 (b) For purposes of Subsection (89)(a), the transmission of a coded radio signal includes
2418 a transmission by message or sound.
- 2419 (90) "Pawn transaction" means the same as that term is defined in Section 13-32a-102.
- 2420 (91) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
- 2421 (92)(a) "Permanently attached to real property" means that for tangible personal
2422 property attached to real property:
- 2423 (i) the attachment of the tangible personal property to the real property:
- 2424 (A) is essential to the use of the tangible personal property; and
- 2425 (B) suggests that the tangible personal property will remain attached to the real
2426 property in the same place over the useful life of the tangible personal
2427 property; or
- 2428 (ii) if the tangible personal property is detached from the real property, the
2429 detachment would:
- 2430 (A) cause substantial damage to the tangible personal property; or
- 2431 (B) require substantial alteration or repair of the real property to which the
2432 tangible personal property is attached.
- 2433 (b) "Permanently attached to real property" includes:
- 2434 (i) the attachment of an accessory to the tangible personal property if the accessory is:
- 2435 (A) essential to the operation of the tangible personal property; and
- 2436 (B) attached only to facilitate the operation of the tangible personal property;
- 2437 (ii) a temporary detachment of tangible personal property from real property for a
2438 repair or renovation if the repair or renovation is performed where the tangible
2439 personal property and real property are located; or
- 2440 (iii) property attached to oil, gas, or water pipelines, except for the property listed in
2441 Subsection (92)(c)(iii) or (iv).
- 2442 (c) "Permanently attached to real property" does not include:
- 2443 (i) the attachment of portable or movable tangible personal property to real property
2444 if that portable or movable tangible personal property is attached to real property
2445 only for:
- 2446 (A) convenience;

- 2447 (B) stability; or
2448 (C) for an obvious temporary purpose;
- 2449 (ii) the detachment of tangible personal property from real property except for the
2450 detachment described in Subsection (92)(b)(ii);
- 2451 (iii) an attachment of the following tangible personal property to real property if the
2452 attachment to real property is only through a line that supplies water, electricity,
2453 gas, telecommunications, cable, or supplies a similar item as determined by the
2454 commission by rule made in accordance with Title 63G, Chapter 3, Utah
2455 Administrative Rulemaking Act:
- 2456 (A) a computer;
2457 (B) a telephone;
2458 (C) a television; or
- 2459 (D) tangible personal property similar to Subsections (92)(c)(iii)(A) through (C)
2460 as determined by the commission by rule made in accordance with Title 63G,
2461 Chapter 3, Utah Administrative Rulemaking Act; or
- 2462 (iv) an item listed in Subsection (137)(c).
- 2463 (93) "Person" includes any individual, firm, partnership, joint venture, association,
2464 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,
2465 municipality, district, or other local governmental entity of the state, or any group or
2466 combination acting as a unit.
- 2467 (94) "Place of primary use":
- 2468 (a) for telecommunications service other than mobile telecommunications service,
2469 means the street address representative of where the customer's use of the
2470 telecommunications service primarily occurs, which shall be:
- 2471 (i) the residential street address of the customer; or
2472 (ii) the primary business street address of the customer; or
- 2473 (b) for mobile telecommunications service, means the same as that term is defined in the
2474 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.
- 2475 (95)(a) "Postpaid calling service" means a telecommunications service a person obtains
2476 by making a payment on a call-by-call basis:
- 2477 (i) through the use of a:
- 2478 (A) bank card;
2479 (B) credit card;
2480 (C) debit card; or

- 2481 (D) travel card; or
- 2482 (ii) by a charge made to a telephone number that is not associated with the origination
- 2483 or termination of the telecommunications service.
- 2484 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
- 2485 service, that would be a prepaid wireless calling service if the service were
- 2486 exclusively a telecommunications service.
- 2487 (96) "Postproduction" means an activity related to the finishing or duplication of a medium
- 2488 described in Subsection 59-12-104(54)(a).
- 2489 (97) "Prepaid calling service" means a telecommunications service:
- 2490 (a) that allows a purchaser access to telecommunications service that is exclusively
- 2491 telecommunications service;
- 2492 (b) that:
- 2493 (i) is paid for in advance; and
- 2494 (ii) enables the origination of a call using an:
- 2495 (A) access number; or
- 2496 (B) authorization code;
- 2497 (c) that is dialed:
- 2498 (i) manually; or
- 2499 (ii) electronically; and
- 2500 (d) sold in predetermined units or dollars that decline:
- 2501 (i) by a known amount; and
- 2502 (ii) with use.
- 2503 (98) "Prepaid wireless calling service" means a telecommunications service:
- 2504 (a) that provides the right to utilize:
- 2505 (i) mobile wireless service; and
- 2506 (ii) other service that is not a telecommunications service, including:
- 2507 (A) the download of a product transferred electronically;
- 2508 (B) a content service; or
- 2509 (C) an ancillary service;
- 2510 (b) that:
- 2511 (i) is paid for in advance; and
- 2512 (ii) enables the origination of a call using an:
- 2513 (A) access number; or
- 2514 (B) authorization code;

- 2515 (c) that is dialed:
- 2516 (i) manually; or
- 2517 (ii) electronically; and
- 2518 (d) sold in predetermined units or dollars that decline:
- 2519 (i) by a known amount; and
- 2520 (ii) with use.
- 2521 (99)(a) "Prepared food" means:
- 2522 (i) food:
- 2523 (A) sold in a heated state; or
- 2524 (B) heated by a seller;
- 2525 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
- 2526 item; or
- 2527 (iii) except as provided in Subsection (99)(c), food sold with an eating utensil
- 2528 provided by the seller, including a:
- 2529 (A) plate;
- 2530 (B) knife;
- 2531 (C) fork;
- 2532 (D) spoon;
- 2533 (E) glass;
- 2534 (F) cup;
- 2535 (G) napkin; or
- 2536 (H) straw.
- 2537 (b) "Prepared food" does not include:
- 2538 (i) food that a seller only:
- 2539 (A) cuts;
- 2540 (B) repackages; or
- 2541 (C) pasteurizes;
- 2542 (ii)(A) the following:
- 2543 (I) raw egg;
- 2544 (II) raw fish;
- 2545 (III) raw meat;
- 2546 (IV) raw poultry; or
- 2547 (V) a food containing an item described in Subsections (99)(b)(ii)(A)(I)
- 2548 through (IV); and

- 2549 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of
2550 the Food and Drug Administration's Food Code that a consumer cook the items
2551 described in Subsection (99)(b)(ii)(A) to prevent food borne illness; or
2552 (iii) the following if sold without eating utensils provided by the seller:
2553 (A) food and food ingredients sold by a seller if the seller's proper primary
2554 classification under the 2002 North American Industry Classification System
2555 of the federal Executive Office of the President, Office of Management and
2556 Budget, is manufacturing in Sector 311, Food Manufacturing, except for
2557 Subsector 3118, Bakeries and Tortilla Manufacturing;
2558 (B) food and food ingredients sold in an unheated state:
2559 (I) by weight or volume; and
2560 (II) as a single item; or
2561 (C) a bakery item, including:
2562 (I) a bagel;
2563 (II) a bar;
2564 (III) a biscuit;
2565 (IV) bread;
2566 (V) a bun;
2567 (VI) a cake;
2568 (VII) a cookie;
2569 (VIII) a croissant;
2570 (IX) a danish;
2571 (X) a donut;
2572 (XI) a muffin;
2573 (XII) a pastry;
2574 (XIII) a pie;
2575 (XIV) a roll;
2576 (XV) a tart;
2577 (XVI) a torte; or
2578 (XVII) a tortilla.
2579 (c) An eating utensil provided by the seller does not include the following used to
2580 transport the food:
2581 (i) a container; or
2582 (ii) packaging.

- 2583 (100) "Prescription" means an order, formula, or recipe that is issued:
2584 (a)(i) orally;
2585 (ii) in writing;
2586 (iii) electronically; or
2587 (iv) by any other manner of transmission; and
2588 (b) by a licensed practitioner authorized by the laws of a state.
- 2589 (101)(a) "Prewritten computer software" means computer software that is not designed
2590 and developed:
2591 (i) by the author or other creator of the computer software; and
2592 (ii) to the specifications of a specific purchaser.
- 2593 (b) "Prewritten computer software" includes:
2594 (i) a prewritten upgrade to computer software if the prewritten upgrade to the
2595 computer software is not designed and developed:
2596 (A) by the author or other creator of the computer software; and
2597 (B) to the specifications of a specific purchaser;
2598 (ii) computer software designed and developed by the author or other creator of the
2599 computer software to the specifications of a specific purchaser if the computer
2600 software is sold to a person other than the purchaser; or
2601 (iii) except as provided in Subsection (101)(c), prewritten computer software or a
2602 prewritten portion of prewritten computer software:
2603 (A) that is modified or enhanced to any degree; and
2604 (B) if the modification or enhancement described in Subsection (101)(b)(iii)(A) is
2605 designed and developed to the specifications of a specific purchaser.
- 2606 (c) "Prewritten computer software" does not include a modification or enhancement
2607 described in Subsection (101)(b)(iii) if the charges for the modification or
2608 enhancement are:
2609 (i) reasonable; and
2610 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), separately stated on the
2611 invoice or other statement of price provided to the purchaser at the time of sale or
2612 later, as demonstrated by:
2613 (A) the books and records the seller keeps at the time of the transaction in the
2614 regular course of business, including books and records the seller keeps at the
2615 time of the transaction in the regular course of business for nontax purposes;
2616 (B) a preponderance of the facts and circumstances at the time of the transaction;

- 2617 and
- 2618 (C) the understanding of all of the parties to the transaction.
- 2619 (102)(a) "Private communications service" means a telecommunications service:
- 2620 (i) that entitles a customer to exclusive or priority use of one or more
- 2621 communications channels between or among termination points; and
- 2622 (ii) regardless of the manner in which the one or more communications channels are
- 2623 connected.
- 2624 (b) "Private communications service" includes the following provided in connection
- 2625 with the use of one or more communications channels:
- 2626 (i) an extension line;
- 2627 (ii) a station;
- 2628 (iii) switching capacity; or
- 2629 (iv) another associated service that is provided in connection with the use of one or
- 2630 more communications channels as defined in Section 59-12-215.
- 2631 (103)(a) "Product transferred electronically" means a product transferred electronically
- 2632 that would be subject to a tax under this chapter if that product was transferred in a
- 2633 manner other than electronically.
- 2634 (b) "Product transferred electronically" does not include:
- 2635 (i) an ancillary service;
- 2636 (ii) computer software; or
- 2637 (iii) a telecommunications service.
- 2638 (104)(a) "Prosthetic device" means a device that is worn on or in the body to:
- 2639 (i) artificially replace a missing portion of the body;
- 2640 (ii) prevent or correct a physical deformity or physical malfunction; or
- 2641 (iii) support a weak or deformed portion of the body.
- 2642 (b) "Prosthetic device" includes:
- 2643 (i) parts used in the repairs or renovation of a prosthetic device;
- 2644 (ii) replacement parts for a prosthetic device;
- 2645 (iii) a dental prosthesis; or
- 2646 (iv) a hearing aid.
- 2647 (c) "Prosthetic device" does not include:
- 2648 (i) corrective eyeglasses; or
- 2649 (ii) contact lenses.
- 2650 (105)(a) "Protective equipment" means an item:

- 2651 (i) for human wear; and
2652 (ii) that is:
2653 (A) designed as protection:
2654 (I) to the wearer against injury or disease; or
2655 (II) against damage or injury of other persons or property; and
2656 (B) not suitable for general use.
- 2657 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2658 commission shall make rules:
2659 (i) listing the items that constitute "protective equipment"; and
2660 (ii) that are consistent with the list of items that constitute "protective equipment"
2661 under the agreement.
- 2662 (106)(a) For purposes of Subsection 59-12-104(41), "publication" means any written or
2663 printed matter, other than a photocopy:
2664 (i) regardless of:
2665 (A) characteristics;
2666 (B) copyright;
2667 (C) form;
2668 (D) format;
2669 (E) method of reproduction; or
2670 (F) source; and
2671 (ii) made available in printed or electronic format.
- 2672 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2673 commission may by rule define the term "photocopy."
- 2674 (107)(a) "Purchase price" and "sales price" mean the total amount of consideration:
2675 (i) valued in money; and
2676 (ii) for which tangible personal property, a product transferred electronically, or
2677 services are:
2678 (A) sold;
2679 (B) leased; or
2680 (C) rented.
- 2681 (b) "Purchase price" and "sales price" include:
2682 (i) the seller's cost of the tangible personal property, a product transferred
2683 electronically, or services sold;
2684 (ii) expenses of the seller, including:

- 2685 (A) the cost of materials used;
- 2686 (B) a labor cost;
- 2687 (C) a service cost;
- 2688 (D) interest;
- 2689 (E) a loss;
- 2690 (F) the cost of transportation to the seller; or
- 2691 (G) a tax imposed on the seller;
- 2692 (iii) a charge by the seller for any service necessary to complete the sale; or
- 2693 (iv) consideration a seller receives from a person other than the purchaser if:
- 2694 (A)(I) the seller actually receives consideration from a person other than the
- 2695 purchaser; and
- 2696 (II) the consideration described in Subsection (107)(b)(iv)(A)(I) is directly
- 2697 related to a price reduction or discount on the sale;
- 2698 (B) the seller has an obligation to pass the price reduction or discount through to
- 2699 the purchaser;
- 2700 (C) the amount of the consideration attributable to the sale is fixed and
- 2701 determinable by the seller at the time of the sale to the purchaser; and
- 2702 (D)(I)(Aa) the purchaser presents a certificate, coupon, or other
- 2703 documentation to the seller to claim a price reduction or discount; and
- 2704 (Bb) a person other than the seller authorizes, distributes, or grants the
- 2705 certificate, coupon, or other documentation with the understanding that
- 2706 the person other than the seller will reimburse any seller to whom the
- 2707 certificate, coupon, or other documentation is presented;
- 2708 (II) the purchaser identifies that purchaser to the seller as a member of a group
- 2709 or organization allowed a price reduction or discount, except that a
- 2710 preferred customer card that is available to any patron of a seller does not
- 2711 constitute membership in a group or organization allowed a price reduction
- 2712 or discount; or
- 2713 (III) the price reduction or discount is identified as a third party price reduction
- 2714 or discount on the:
- 2715 (Aa) invoice the purchaser receives; or
- 2716 (Bb) certificate, coupon, or other documentation the purchaser presents.
- 2717 (c) "Purchase price" and "sales price" do not include:
- 2718 (i) a discount:

- 2719 (A) in a form including:
- 2720 (I) cash;
- 2721 (II) term; or
- 2722 (III) coupon;
- 2723 (B) that is allowed by a seller;
- 2724 (C) taken by a purchaser on a sale; and
- 2725 (D) that is not reimbursed by a third party; or
- 2726 (ii) subject to Subsections 59-12-103(2)(f)(ii) and (2)(g)(i), the following if
- 2727 separately stated on an invoice, bill of sale, or similar document provided to the
- 2728 purchaser at the time of sale or later, as demonstrated by the books and records the
- 2729 seller keeps at the time of the transaction in the regular course of business,
- 2730 including books and records the seller keeps at the time of the transaction in the
- 2731 regular course of business for nontax purposes, by a preponderance of the facts
- 2732 and circumstances at the time of the transaction, and by the understanding of all of
- 2733 the parties to the transaction:
- 2734 (A) the following from credit extended on the sale of tangible personal property or
- 2735 services:
- 2736 (I) a carrying charge;
- 2737 (II) a financing charge; or
- 2738 (III) an interest charge;
- 2739 (B) a delivery charge;
- 2740 (C) an installation charge;
- 2741 (D) a manufacturer rebate on a motor vehicle; or
- 2742 (E) a tax or fee legally imposed directly on the consumer.
- 2743 (108) "Purchaser" means a person to whom:
- 2744 (a) a sale of tangible personal property is made;
- 2745 (b) a product is transferred electronically; or
- 2746 (c) a service is furnished.
- 2747 (109) "Qualifying data center" means a data center facility that:
- 2748 (a) houses a group of networked server computers in one physical location in order to
- 2749 disseminate, manage, and store data and information;
- 2750 (b) is located in the state;
- 2751 (c) is a new operation constructed on or after July 1, 2016;
- 2752 (d) consists of one or more buildings that total 150,000 or more square feet;

- 2753 (e) is owned or leased by:
- 2754 (i) the operator of the data center facility; or
- 2755 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 2756 operator of the data center facility; and
- 2757 (f) is located on one or more parcels of land that are owned or leased by:
- 2758 (i) the operator of the data center facility; or
- 2759 (ii) a person under common ownership, as defined in Section 59-7-101, of the
- 2760 operator of the data center facility.
- 2761 (110) "Regularly rented" means:
- 2762 (a) rented to a guest for value three or more times during a calendar year; or
- 2763 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 2764 value.
- 2765 (111) "Rental" means the same as that term is defined in Subsection (63).
- 2766 (112)(a) "Repairs or renovations of tangible personal property" means:
- 2767 (i) a repair or renovation of tangible personal property that is not permanently
- 2768 attached to real property; or
- 2769 (ii) attaching tangible personal property or a product transferred electronically to
- 2770 other tangible personal property or detaching tangible personal property or a
- 2771 product transferred electronically from other tangible personal property if:
- 2772 (A) the other tangible personal property to which the tangible personal property or
- 2773 product transferred electronically is attached or from which the tangible
- 2774 personal property or product transferred electronically is detached is not
- 2775 permanently attached to real property; and
- 2776 (B) the attachment of tangible personal property or a product transferred
- 2777 electronically to other tangible personal property or detachment of tangible
- 2778 personal property or a product transferred electronically from other tangible
- 2779 personal property is made in conjunction with a repair or replacement of
- 2780 tangible personal property or a product transferred electronically.
- 2781 (b) "Repairs or renovations of tangible personal property" does not include:
- 2782 (i) attaching prewritten computer software to other tangible personal property if the
- 2783 other tangible personal property to which the prewritten computer software is
- 2784 attached is not permanently attached to real property; or
- 2785 (ii) detaching prewritten computer software from other tangible personal property if
- 2786 the other tangible personal property from which the prewritten computer software

- 2787 is detached is not permanently attached to real property.
- 2788 (113) "Research and development" means the process of inquiry or experimentation aimed
2789 at the discovery of facts, devices, technologies, or applications and the process of
2790 preparing those devices, technologies, or applications for marketing.
- 2791 (114)(a) "Residential telecommunications services" means a telecommunications
2792 service or an ancillary service that is provided to an individual for personal use:
- 2793 (i) at a residential address; or
2794 (ii) at an institution, including a nursing home or a school, if the telecommunications
2795 service or ancillary service is provided to and paid for by the individual residing at
2796 the institution rather than the institution.
- 2797 (b) For purposes of Subsection (114)(a)(i), a residential address includes an:
- 2798 (i) apartment; or
2799 (ii) other individual dwelling unit.
- 2800 (115) "Residential use" means the use in or around a home, apartment building, sleeping
2801 quarters, and similar facilities or accommodations.
- 2802 (116) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose other than:
- 2803 (a) resale;
2804 (b) sublease; or
2805 (c) subrent.
- 2806 (117)(a) "Retailer" means any person, unless prohibited by the Constitution of the
2807 United States or federal law, that is engaged in a regularly organized business in
2808 tangible personal property or any other taxable transaction under Subsection
2809 59-12-103(1), and who is selling to the user or consumer and not for resale.
- 2810 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly
2811 engaged in the business of selling to users or consumers within the state.
- 2812 (118)(a) "Sale" means any transfer of title, exchange, or barter, conditional or
2813 otherwise, in any manner, of tangible personal property or any other taxable
2814 transaction under Subsection 59-12-103(1), for consideration.
- 2815 (b) "Sale" includes:
- 2816 (i) installment and credit sales;
2817 (ii) any closed transaction constituting a sale;
2818 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this
2819 chapter;
2820 (iv) any transaction if the possession of property is transferred but the seller retains

- 2821 the title as security for the payment of the price; and
- 2822 (v) any transaction under which right to possession, operation, or use of any article of
- 2823 tangible personal property is granted under a lease or contract and the transfer of
- 2824 possession would be taxable if an outright sale were made.
- 2825 (119) "Sale at retail" means the same as that term is defined in Subsection (116).
- 2826 (120) "Sale-leaseback transaction" means a transaction by which title to tangible personal
- 2827 property or a product transferred electronically that is subject to a tax under this chapter
- 2828 is transferred:
- 2829 (a) by a purchaser-lessee;
- 2830 (b) to a lessor;
- 2831 (c) for consideration; and
- 2832 (d) if:
- 2833 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial
- 2834 purchase of the tangible personal property or product transferred electronically;
- 2835 (ii) the sale of the tangible personal property or product transferred electronically to
- 2836 the lessor is intended as a form of financing:
- 2837 (A) for the tangible personal property or product transferred electronically; and
- 2838 (B) to the purchaser-lessee; and
- 2839 (iii) in accordance with generally accepted accounting principles, the
- 2840 purchaser-lessee is required to:
- 2841 (A) capitalize the tangible personal property or product transferred electronically
- 2842 for financial reporting purposes; and
- 2843 (B) account for the lease payments as payments made under a financing
- 2844 arrangement.
- 2845 (121) "Sales price" means the same as that term is defined in Subsection (107).
- 2846 (122)(a) "Sales relating to schools" means the following sales by, amounts paid to, or
- 2847 amounts charged by a school:
- 2848 (i) sales that are directly related to the school's educational functions or activities
- 2849 including:
- 2850 (A) the sale of:
- 2851 (I) textbooks;
- 2852 (II) textbook fees;
- 2853 (III) laboratory fees;
- 2854 (IV) laboratory supplies; or

- 2855 (V) safety equipment;
- 2856 (B) the sale of a uniform, protective equipment, or sports or recreational
- 2857 equipment that:
- 2858 (I) a student is specifically required to wear as a condition of participation in a
- 2859 school-related event or school-related activity; and
- 2860 (II) is not readily adaptable to general or continued usage to the extent that it
- 2861 takes the place of ordinary clothing;
- 2862 (C) sales of the following if the net or gross revenue generated by the sales is
- 2863 deposited into a school district fund or school fund dedicated to school meals:
- 2864 (I) food and food ingredients; or
- 2865 (II) prepared food; or
- 2866 (D) transportation charges for official school activities; or
- 2867 (ii) amounts paid to or amounts charged by a school for admission to a school-related
- 2868 event or school-related activity.
- 2869 (b) "Sales relating to schools" does not include:
- 2870 (i) bookstore sales of items that are not educational materials or supplies;
- 2871 (ii) except as provided in Subsection (122)(a)(i)(B):
- 2872 (A) clothing;
- 2873 (B) clothing accessories or equipment;
- 2874 (C) protective equipment; or
- 2875 (D) sports or recreational equipment; or
- 2876 (iii) amounts paid to or amounts charged by a school for admission to a
- 2877 school-related event or school-related activity if the amounts paid or charged are
- 2878 passed through to a person:
- 2879 (A) other than a:
- 2880 (I) school;
- 2881 (II) nonprofit organization authorized by a school board or a governing body of
- 2882 a private school to organize and direct a competitive secondary school
- 2883 activity; or
- 2884 (III) nonprofit association authorized by a school board or a governing body of
- 2885 a private school to organize and direct a competitive secondary school
- 2886 activity; and
- 2887 (B) that is required to collect sales and use taxes under this chapter.
- 2888 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 2889 commission may make rules defining the term "passed through."
- 2890 (123) For purposes of this section and Section 59-12-104, "school" means:
- 2891 (a) an elementary school or a secondary school that:
- 2892 (i) is a:
- 2893 (A) public school; or
- 2894 (B) private school; and
- 2895 (ii) provides instruction for one or more grades kindergarten through 12; or
- 2896 (b) a public school district.
- 2897 (124)(a) "Seller" means a person that makes a sale, lease, or rental of:
- 2898 (i) tangible personal property;
- 2899 (ii) a product transferred electronically; or
- 2900 (iii) a service.
- 2901 (b) "Seller" includes a marketplace facilitator.
- 2902 (125)(a) "Semiconductor fabricating, processing, research, or development materials"
- 2903 means tangible personal property or a product transferred electronically if the
- 2904 tangible personal property or product transferred electronically is:
- 2905 (i) used primarily in the process of:
- 2906 (A)(I) manufacturing a semiconductor;
- 2907 (II) fabricating a semiconductor; or
- 2908 (III) research or development of a:
- 2909 (Aa) semiconductor; or
- 2910 (Bb) semiconductor manufacturing process; or
- 2911 (B) maintaining an environment suitable for a semiconductor; or
- 2912 (ii) consumed primarily in the process of:
- 2913 (A)(I) manufacturing a semiconductor;
- 2914 (II) fabricating a semiconductor; or
- 2915 (III) research or development of a:
- 2916 (Aa) semiconductor; or
- 2917 (Bb) semiconductor manufacturing process; or
- 2918 (B) maintaining an environment suitable for a semiconductor.
- 2919 (b) "Semiconductor fabricating, processing, research, or development materials"
- 2920 includes:
- 2921 (i) parts used in the repairs or renovations of tangible personal property or a product
- 2922 transferred electronically described in Subsection (125)(a); or

- 2923 (ii) a chemical, catalyst, or other material used to:
- 2924 (A) produce or induce in a semiconductor a:
- 2925 (I) chemical change; or
- 2926 (II) physical change;
- 2927 (B) remove impurities from a semiconductor; or
- 2928 (C) improve the marketable condition of a semiconductor.
- 2929 (126) "Senior citizen center" means a facility having the primary purpose of providing
- 2930 services to the aged as defined in Section 26B-6-101.
- 2931 (127) "Shared vehicle" means the same as that term is defined in Section 13-48a-101.
- 2932 (128) "Shared vehicle driver" means the same as that term is defined in Section 13-48a-101.
- 2933 (129) "Shared vehicle owner" means the same as that term is defined in Section 13-48a-101.
- 2934 (130)(a) Subject to Subsections (130)(b) and (c), "short-term lodging consumable"
- 2935 means tangible personal property that:
- 2936 (i) a business that provides accommodations and services described in Subsection
- 2937 59-12-103(1)(i) purchases as part of a transaction to provide the accommodations
- 2938 and services to a purchaser;
- 2939 (ii) is intended to be consumed by the purchaser; and
- 2940 (iii) is:
- 2941 (A) included in the purchase price of the accommodations and services; and
- 2942 (B) not separately stated on an invoice, bill of sale, or other similar document
- 2943 provided to the purchaser.
- 2944 (b) "Short-term lodging consumable" includes:
- 2945 (i) a beverage;
- 2946 (ii) a brush or comb;
- 2947 (iii) a cosmetic;
- 2948 (iv) a hair care product;
- 2949 (v) lotion;
- 2950 (vi) a magazine;
- 2951 (vii) makeup;
- 2952 (viii) a meal;
- 2953 (ix) mouthwash;
- 2954 (x) nail polish remover;
- 2955 (xi) a newspaper;
- 2956 (xii) a notepad;

- 2957 (xiii) a pen;
2958 (xiv) a pencil;
2959 (xv) a razor;
2960 (xvi) saline solution;
2961 (xvii) a sewing kit;
2962 (xviii) shaving cream;
2963 (xix) a shoe shine kit;
2964 (xx) a shower cap;
2965 (xxi) a snack item;
2966 (xxii) soap;
2967 (xxiii) toilet paper;
2968 (xxiv) a toothbrush;
2969 (xxv) toothpaste; or
2970 (xxvi) an item similar to Subsections (130)(b)(i) through (xxv) as the commission
2971 may provide by rule made in accordance with Title 63G, Chapter 3, Utah
2972 Administrative Rulemaking Act.
- 2973 (c) "Short-term lodging consumable" does not include:
2974 (i) tangible personal property that is cleaned or washed to allow the tangible personal
2975 property to be reused; or
2976 (ii) a product transferred electronically.
- 2977 (131)(a) "Short-term rental" means a lease or rental for less than 30 consecutive days.
2978 (b) "Short-term rental" does not include car sharing.
- 2979 (132) "Simplified electronic return" means the electronic return:
2980 (a) described in Section 318(C) of the agreement; and
2981 (b) approved by the governing board of the agreement.
- 2982 (133) "Solar energy" means the sun used as the sole source of energy for producing
2983 electricity.
- 2984 (134)(a) "Sports or recreational equipment" means an item:
2985 (i) designed for human use; and
2986 (ii) that is:
2987 (A) worn in conjunction with:
2988 (I) an athletic activity; or
2989 (II) a recreational activity; and
2990 (B) not suitable for general use.

- 2991 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2992 commission shall make rules:
- 2993 (i) listing the items that constitute "sports or recreational equipment"; and
2994 (ii) that are consistent with the list of items that constitute "sports or recreational
2995 equipment" under the agreement.
- 2996 (135) "State" means the state of Utah, its departments, and agencies.
- 2997 (136) "Storage" means any keeping or retention of tangible personal property or any other
2998 taxable transaction under Subsection 59-12-103(1), in this state for any purpose except
2999 sale in the regular course of business.
- 3000 (137)(a) "Tangible personal property" means personal property that:
- 3001 (i) may be:
- 3002 (A) seen;
- 3003 (B) weighed;
- 3004 (C) measured;
- 3005 (D) felt; or
- 3006 (E) touched; or
- 3007 (ii) is in any manner perceptible to the senses.
- 3008 (b) "Tangible personal property" includes:
- 3009 (i) electricity;
- 3010 (ii) water;
- 3011 (iii) gas;
- 3012 (iv) steam; or
- 3013 (v) prewritten computer software, regardless of the manner in which the prewritten
3014 computer software is transferred.
- 3015 (c) "Tangible personal property" includes the following regardless of whether the item is
3016 attached to real property:
- 3017 (i) a dishwasher;
- 3018 (ii) a dryer;
- 3019 (iii) a freezer;
- 3020 (iv) a microwave;
- 3021 (v) a refrigerator;
- 3022 (vi) a stove;
- 3023 (vii) a washer; or
- 3024 (viii) an item similar to Subsections (137)(c)(i) through (vii) as determined by the

- 3025 commission by rule made in accordance with Title 63G, Chapter 3, Utah
3026 Administrative Rulemaking Act.
- 3027 (d) "Tangible personal property" does not include a product that is transferred
3028 electronically.
- 3029 (e) "Tangible personal property" does not include the following if attached to real
3030 property, regardless of whether the attachment to real property is only through a line
3031 that supplies water, electricity, gas, telephone, cable, or supplies a similar item as
3032 determined by the commission by rule made in accordance with Title 63G, Chapter 3,
3033 Utah Administrative Rulemaking Act:
- 3034 (i) a hot water heater;
3035 (ii) a water filtration system; or
3036 (iii) a water softener system.
- 3037 (138)(a) "Telecommunications enabling or facilitating equipment, machinery, or
3038 software" means an item listed in Subsection (138)(b) if that item is purchased or
3039 leased primarily to enable or facilitate one or more of the following to function:
- 3040 (i) telecommunications switching or routing equipment, machinery, or software; or
3041 (ii) telecommunications transmission equipment, machinery, or software.
- 3042 (b) The following apply to Subsection (138)(a):
- 3043 (i) a pole;
3044 (ii) software;
3045 (iii) a supplementary power supply;
3046 (iv) temperature or environmental equipment or machinery;
3047 (v) test equipment;
3048 (vi) a tower; or
3049 (vii) equipment, machinery, or software that functions similarly to an item listed in
3050 Subsections (138)(b)(i) through (vi) as determined by the commission by rule
3051 made in accordance with Subsection (138)(c).
- 3052 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3053 commission may by rule define what constitutes equipment, machinery, or software
3054 that functions similarly to an item listed in Subsections (138)(b)(i) through (vi).
- 3055 (139) "Telecommunications equipment, machinery, or software required for 911 service"
3056 means equipment, machinery, or software that is required to comply with 47 C.F.R. Sec.
3057 20.18.
- 3058 (140) "Telecommunications maintenance or repair equipment, machinery, or software"

- 3059 means equipment, machinery, or software purchased or leased primarily to maintain or
3060 repair one or more of the following, regardless of whether the equipment, machinery, or
3061 software is purchased or leased as a spare part or as an upgrade or modification to one or
3062 more of the following:
- 3063 (a) telecommunications enabling or facilitating equipment, machinery, or software;
 - 3064 (b) telecommunications switching or routing equipment, machinery, or software; or
 - 3065 (c) telecommunications transmission equipment, machinery, or software.
- 3066 (141)(a) "Telecommunications service" means the electronic conveyance, routing, or
3067 transmission of audio, data, video, voice, or any other information or signal to a
3068 point, or among or between points.
- 3069 (b) "Telecommunications service" includes:
- 3070 (i) an electronic conveyance, routing, or transmission with respect to which a
3071 computer processing application is used to act:
 - 3072 (A) on the code, form, or protocol of the content;
 - 3073 (B) for the purpose of electronic conveyance, routing, or transmission; and
 - 3074 (C) regardless of whether the service:
 - 3075 (I) is referred to as voice over Internet protocol service; or
 - 3076 (II) is classified by the Federal Communications Commission as enhanced or
3077 value added;
 - 3078 (ii) an 800 service;
 - 3079 (iii) a 900 service;
 - 3080 (iv) a fixed wireless service;
 - 3081 (v) a mobile wireless service;
 - 3082 (vi) a postpaid calling service;
 - 3083 (vii) a prepaid calling service;
 - 3084 (viii) a prepaid wireless calling service; or
 - 3085 (ix) a private communications service.
- 3086 (c) "Telecommunications service" does not include:
- 3087 (i) advertising, including directory advertising;
 - 3088 (ii) an ancillary service;
 - 3089 (iii) a billing and collection service provided to a third party;
 - 3090 (iv) a data processing and information service if:
 - 3091 (A) the data processing and information service allows data to be:
3092 (I)(Aa) acquired;

- 3093 (Bb) generated;
3094 (Cc) processed;
3095 (Dd) retrieved; or
3096 (Ee) stored; and
3097 (II) delivered by an electronic transmission to a purchaser; and
3098 (B) the purchaser's primary purpose for the underlying transaction is the processed
3099 data or information;
3100 (v) installation or maintenance of the following on a customer's premises:
3101 (A) equipment; or
3102 (B) wiring;
3103 (vi) Internet access service;
3104 (vii) a paging service;
3105 (viii) a product transferred electronically, including:
3106 (A) music;
3107 (B) reading material;
3108 (C) a ring tone;
3109 (D) software; or
3110 (E) video;
3111 (ix) a radio and television audio and video programming service:
3112 (A) regardless of the medium; and
3113 (B) including:
3114 (I) furnishing conveyance, routing, or transmission of a television audio and
3115 video programming service by a programming service provider;
3116 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
3117 (III) audio and video programming services delivered by a commercial mobile
3118 radio service provider as defined in 47 C.F.R. Sec. 20.3;
3119 (x) a value-added nonvoice data service; or
3120 (xi) tangible personal property.
3121 (142)(a) "Telecommunications service provider" means a person that:
3122 (i) owns, controls, operates, or manages a telecommunications service; and
3123 (ii) engages in an activity described in Subsection (142)(a)(i) for the shared use with
3124 or resale to any person of the telecommunications service.
3125 (b) A person described in Subsection (142)(a) is a telecommunications service provider
3126 whether or not the Public Service Commission of Utah regulates:

- 3127 (i) that person; or
3128 (ii) the telecommunications service that the person owns, controls, operates, or
3129 manages.
- 3130 (143)(a) "Telecommunications switching or routing equipment, machinery, or software"
3131 means an item listed in Subsection (143)(b) if that item is purchased or leased
3132 primarily for switching or routing:
- 3133 (i) an ancillary service;
3134 (ii) data communications;
3135 (iii) voice communications; or
3136 (iv) telecommunications service.
- 3137 (b) The following apply to Subsection (143)(a):
- 3138 (i) a bridge;
3139 (ii) a computer;
3140 (iii) a cross connect;
3141 (iv) a modem;
3142 (v) a multiplexer;
3143 (vi) plug in circuitry;
3144 (vii) a router;
3145 (viii) software;
3146 (ix) a switch; or
3147 (x) equipment, machinery, or software that functions similarly to an item listed in
3148 Subsections (143)(b)(i) through (ix) as determined by the commission by rule
3149 made in accordance with Subsection (143)(c).
- 3150 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3151 commission may by rule define what constitutes equipment, machinery, or software
3152 that functions similarly to an item listed in Subsections (143)(b)(i) through (ix).
- 3153 (144)(a) "Telecommunications transmission equipment, machinery, or software" means
3154 an item listed in Subsection (144)(b) if that item is purchased or leased primarily for
3155 sending, receiving, or transporting:
- 3156 (i) an ancillary service;
3157 (ii) data communications;
3158 (iii) voice communications; or
3159 (iv) telecommunications service.
- 3160 (b) The following apply to Subsection (144)(a):

- 3161 (i) an amplifier;
3162 (ii) a cable;
3163 (iii) a closure;
3164 (iv) a conduit;
3165 (v) a controller;
3166 (vi) a duplexer;
3167 (vii) a filter;
3168 (viii) an input device;
3169 (ix) an input/output device;
3170 (x) an insulator;
3171 (xi) microwave machinery or equipment;
3172 (xii) an oscillator;
3173 (xiii) an output device;
3174 (xiv) a pedestal;
3175 (xv) a power converter;
3176 (xvi) a power supply;
3177 (xvii) a radio channel;
3178 (xviii) a radio receiver;
3179 (xix) a radio transmitter;
3180 (xx) a repeater;
3181 (xxi) software;
3182 (xxii) a terminal;
3183 (xxiii) a timing unit;
3184 (xxiv) a transformer;
3185 (xxv) a wire; or
3186 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
3187 Subsections (144)(b)(i) through (xxv) as determined by the commission by rule
3188 made in accordance with Subsection (144)(c).
- 3189 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3190 commission may by rule define what constitutes equipment, machinery, or software
3191 that functions similarly to an item listed in Subsections (144)(b)(i) through (xxv).
- 3192 (145)(a) "Textbook for a higher education course" means a textbook or other printed
3193 material that is required for a course:
3194 (i) offered by an institution of higher education; and

3195 (ii) that the purchaser of the textbook or other printed material attends or will attend.

3196 (b) "Textbook for a higher education course" includes a textbook in electronic format.

3197 (146) "Tobacco" means:

3198 (a) a cigarette;

3199 (b) a cigar;

3200 (c) chewing tobacco;

3201 (d) pipe tobacco; or

3202 (e) any other item that contains tobacco.

3203 (147) "Unassisted amusement device" means an amusement device, skill device, or ride
3204 device that is started and stopped by the purchaser or renter of the right to use or operate
3205 the amusement device, skill device, or ride device.

3206 (148)(a) "Use" means the exercise of any right or power over tangible personal
3207 property, a product transferred electronically, or a service under Subsection 59-12-103
3208 (1), incident to the ownership or the leasing of that tangible personal property,
3209 product transferred electronically, or service.

3210 (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal
3211 property, a product transferred electronically, or a service in the regular course of
3212 business and held for resale.

3213 (149) "Value-added nonvoice data service" means a service:

3214 (a) that otherwise meets the definition of a telecommunications service except that a
3215 computer processing application is used to act primarily for a purpose other than
3216 conveyance, routing, or transmission; and

3217 (b) with respect to which a computer processing application is used to act on data or
3218 information:

3219 (i) code;

3220 (ii) content;

3221 (iii) form; or

3222 (iv) protocol.

3223 (150)(a) Subject to Subsection (150)(b), "vehicle" means the following that are required
3224 to be titled, registered, or titled and registered:

3225 (i) an aircraft as defined in Section 72-10-102;

3226 (ii) a vehicle as defined in Section 41-1a-102;

3227 (iii) an off-highway vehicle as defined in Section 41-22-2; or

3228 (iv) a vessel as defined in Section 41-1a-102.

- 3229 (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:
- 3230 (i) a vehicle described in Subsection (150)(a); or
- 3231 (ii)(A) a locomotive;
- 3232 (B) a freight car;
- 3233 (C) railroad work equipment; or
- 3234 (D) other railroad rolling stock.
- 3235 (151) "Vehicle dealer" means a person engaged in the business of buying, selling, or
- 3236 exchanging a vehicle as defined in Subsection (150).
- 3237 (152)(a) "Vertical service" means an ancillary service that:
- 3238 (i) is offered in connection with one or more telecommunications services; and
- 3239 (ii) offers an advanced calling feature that allows a customer to:
- 3240 (A) identify a caller; and
- 3241 (B) manage multiple calls and call connections.
- 3242 (b) "Vertical service" includes an ancillary service that allows a customer to manage a
- 3243 conference bridging service.
- 3244 (153)(a) "Voice mail service" means an ancillary service that enables a customer to
- 3245 receive, send, or store a recorded message.
- 3246 (b) "Voice mail service" does not include a vertical service that a customer is required to
- 3247 have in order to utilize a voice mail service.
- 3248 (154)(a) "Waste energy facility" means a facility that generates electricity:
- 3249 (i) using as the primary source of energy waste materials that would be placed in a
- 3250 landfill or refuse pit if it were not used to generate electricity, including:
- 3251 (A) tires;
- 3252 (B) waste coal;
- 3253 (C) oil shale; or
- 3254 (D) municipal solid waste; and
- 3255 (ii) in amounts greater than actually required for the operation of the facility.
- 3256 (b) "Waste energy facility" does not include a facility that incinerates:
- 3257 (i) hospital waste as defined in 40 C.F.R. 60.51c; or
- 3258 (ii) medical/infectious waste as defined in 40 C.F.R. 60.51c.
- 3259 (155) "Watercraft" means a vessel as defined in Section 73-18-2.
- 3260 (156) "Wind energy" means wind used as the sole source of energy to produce electricity.
- 3261 (157) "ZIP Code" means a Zoning Improvement Plan Code assigned to a geographic
- 3262 location by the United States Postal Service.

Section 17. Section **59-12-103** is amended to read:

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

- (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:
- (a) retail sales of tangible personal property made within the state;
 - (b) amounts paid for:
 - (i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;
 - (ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
 - (iii) an ancillary service associated with a:
 - (A) telecommunications service described in Subsection (1)(b)(i); or
 - (B) mobile telecommunications service described in Subsection (1)(b)(ii);
 - (c) sales of the following for commercial use:
 - (i) gas;
 - (ii) electricity;
 - (iii) heat;
 - (iv) coal;
 - (v) fuel oil; or
 - (vi) other fuels;
 - (d) sales of the following for residential use:
 - (i) gas;
 - (ii) electricity;
 - (iii) heat;
 - (iv) coal;
 - (v) fuel oil; or
 - (vi) other fuels;
 - (e) sales of prepared food;
 - (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling

- 3297 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling
3298 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,
3299 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,
3300 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or
3301 any other amusement, entertainment, recreation, exhibition, cultural, or athletic
3302 activity;
- 3303 (g) amounts paid or charged for services for repairs or renovations of tangible personal
3304 property, unless Section 59-12-104 provides for an exemption from sales and use tax
3305 for:
- 3306 (i) the tangible personal property; and
3307 (ii) parts used in the repairs or renovations of the tangible personal property described
3308 in Subsection (1)(g)(i), regardless of whether:
- 3309 (A) any parts are actually used in the repairs or renovations of that tangible
3310 personal property; or
3311 (B) the particular parts used in the repairs or renovations of that tangible personal
3312 property are exempt from a tax under this chapter;
- 3313 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted
3314 cleaning or washing of tangible personal property;
- 3315 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer
3316 court accommodations and services;
- 3317 (j) amounts paid or charged for laundry or dry cleaning services;
- 3318 (k) amounts paid or charged for leases or rentals of tangible personal property if within
3319 this state the tangible personal property is:
- 3320 (i) stored;
3321 (ii) used; or
3322 (iii) otherwise consumed;
- 3323 (l) amounts paid or charged for tangible personal property if within this state the tangible
3324 personal property is:
- 3325 (i) stored;
3326 (ii) used; or
3327 (iii) consumed;
- 3328 (m) amounts paid or charged for a sale:
- 3329 (i)(A) of a product transferred electronically; or
3330 (B) of a repair or renovation of a product transferred electronically; and

- 3331 (ii) regardless of whether the sale provides:
- 3332 (A) a right of permanent use of the product; or
- 3333 (B) a right to use the product that is less than a permanent use, including a right:
- 3334 (I) for a definite or specified length of time; and
- 3335 (II) that terminates upon the occurrence of a condition; and
- 3336 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 3337 state.
- 3338 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
- 3339 are imposed on a transaction described in Subsection (1) equal to the sum of:
- 3340 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 3341 (A) 4.70% [~~plus~~] ;
- 3342 ~~(B) the rate specified in Subsection [(11)(a)] (6)(a); and~~
- 3343 ~~[(B)] (C)[(F) the tax rate the state imposes in accordance with Part 18,~~
- 3344 ~~Additional State Sales and Use Tax Act, if the location of the transaction as~~
- 3345 ~~determined under Sections 59-12-211 through 59-12-215 is in a county in~~
- 3346 ~~which the state imposes the tax under Part 18, Additional State Sales and~~
- 3347 ~~Use Tax Act; and]~~
- 3348 ~~[(H)] the tax rate the state imposes in accordance with Part 20, Supplemental~~
- 3349 ~~State Sales and Use Tax Act, if the location of the transaction as determined~~
- 3350 ~~under Sections 59-12-211 through 59-12-215 is in a city, town, or the~~
- 3351 ~~unincorporated area of a county in which the state imposes the tax under~~
- 3352 ~~Part 20, Supplemental State Sales and Use Tax Act; and~~
- 3353 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 3354 transaction under this chapter other than this part.
- 3355 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
- 3356 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
- 3357 to the sum of:
- 3358 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 3359 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 3360 transaction under this chapter other than this part.
- 3361 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed
- 3362 on amounts paid or charged for food and food ingredients equal to the sum of:
- 3363 (i) a state tax imposed on the amounts paid or charged for food and food ingredients
- 3364 at a tax rate of 1.75%; and

- 3365 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
3366 amounts paid or charged for food and food ingredients under this chapter other
3367 than this part.
- 3368 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid
3369 or charged for fuel to a common carrier that is a railroad for use in a locomotive
3370 engine at a rate ~~[of] [4.85%-]~~ equal to the sum of the rates described in Subsections
3371 (2)(a)(i)(A) and (2)(a)(i)(B).
- 3372 (e)(i)~~[(A) If a shared vehicle owner certifies to the commission, on a form~~
3373 ~~prescribed by the commission, that the shared vehicle is an individual-owned~~
3374 ~~shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to~~
3375 ~~car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle~~
3376 ~~owner.]~~
- 3377 (A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to
3378 car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle
3379 owner, for a car sharing or shared vehicle transaction if a shared vehicle owner
3380 certifies to the commission, on a form prescribed by the commission, that the
3381 shared vehicle is an individual-owned shared vehicle.
- 3382 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
3383 required once during the time that the shared vehicle owner owns the shared
3384 vehicle.
- 3385 (C) The commission shall verify that a shared vehicle is an individual-owned
3386 shared vehicle by verifying that the applicable Utah taxes imposed under this
3387 chapter were paid on the purchase of the shared vehicle.
- 3388 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
3389 individual-owned shared vehicle shared through a car-sharing program even if
3390 non-certified shared vehicles are also available to be shared through the same
3391 car-sharing program.
- 3392 (ii) A tax imposed under Subsection ~~[(2)(a)(i)(B)]~~ (2)(a)(i)(C) or (2)(a)(ii) applies to
3393 car sharing.
- 3394 (iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's
3395 representation that the shared vehicle is an individual-owned shared vehicle
3396 certified with the commission as described in Subsection (2)(e)(i).
- 3397 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
3398 representation that the shared vehicle is an individual-owned shared vehicle

- 3399 certified with the commission as described in Subsection (2)(e)(i), the
 3400 car-sharing program is not liable for any tax, penalty, fee, or other sanction
 3401 imposed on the shared vehicle owner.
- 3402 (iv) If all shared vehicles shared through a car-sharing program are certified as
 3403 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has
 3404 no obligation to collect and remit the tax under ~~[Subsection (2)(a)(i)(A)]~~
 3405 Subsections (2)(a)(i)(A) and (2)(a)(i)(B) for that tax period.
- 3406 (v) A car-sharing program is not required to list or otherwise identify an
 3407 individual-owned shared vehicle on a return or an attachment to a return.
- 3408 (vi) A car-sharing program shall:
- 3409 (A) retain tax information for each car-sharing program transaction; and
 3410 (B) provide the information described in Subsection (2)(e)(vi)(A) to the
 3411 commission at the commission's request.
- 3412 (f)(i) For a bundled transaction that is attributable to food and food ingredients and
 3413 tangible personal property other than food and food ingredients, a state tax and a
 3414 local tax is imposed on the entire bundled transaction equal to the sum of:
- 3415 (A) a state tax imposed on the entire bundled transaction equal to the sum of~~[:]~~ the
 3416 tax rates described in Subsection (2)(a)(i); and
 3417 ~~[(F) the tax rate described in Subsection (2)(a)(i)(A); and]~~
 3418 ~~[(H)(Aa) the tax rate the state imposes in accordance with Part 18, Additional~~
 3419 ~~State Sales and Use Tax Act, if the location of the transaction as determined~~
 3420 ~~under Sections 59-12-211 through 59-12-215 is in a county in which the~~
 3421 ~~state imposes the tax under Part 18, Additional State Sales and Use Tax Act;~~
 3422 ~~and]~~
 3423 ~~[(Bb) the tax rate the state imposes in accordance with Part 20, Supplemental~~
 3424 ~~State Sales and Use Tax Act, if the location of the transaction as determined~~
 3425 ~~under Sections 59-12-211 through 59-12-215 is in a city, town, or the~~
 3426 ~~unincorporated area of a county in which the state imposes the tax under~~
 3427 ~~Part 20, Supplemental State Sales and Use Tax Act; and]~~
- 3428 (B) a local tax imposed on the entire bundled transaction at the sum of the tax
 3429 rates described in Subsection (2)(a)(ii).
- 3430 (ii) If an optional computer software maintenance contract is a bundled transaction
 3431 that consists of taxable and nontaxable products that are not separately itemized
 3432 on an invoice or similar billing document, the purchase of the optional computer

3433 software maintenance contract is 40% taxable under this chapter and 60%
3434 nontaxable under this chapter.

3435 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
3436 transaction described in Subsection (2)(f)(i) or (ii):

3437 (A) if the sales price of the bundled transaction is attributable to tangible personal
3438 property, a product, or a service that is subject to taxation under this chapter
3439 and tangible personal property, a product, or service that is not subject to
3440 taxation under this chapter, the entire bundled transaction is subject to taxation
3441 under this chapter unless:

3442 (I) the seller is able to identify by reasonable and verifiable standards the
3443 tangible personal property, product, or service that is not subject to taxation
3444 under this chapter from the books and records the seller keeps in the seller's
3445 regular course of business; or

3446 (II) state or federal law provides otherwise; or

3447 (B) if the sales price of a bundled transaction is attributable to two or more items
3448 of tangible personal property, products, or services that are subject to taxation
3449 under this chapter at different rates, the entire bundled transaction is subject to
3450 taxation under this chapter at the higher tax rate unless:

3451 (I) the seller is able to identify by reasonable and verifiable standards the
3452 tangible personal property, product, or service that is subject to taxation
3453 under this chapter at the lower tax rate from the books and records the seller
3454 keeps in the seller's regular course of business; or

3455 (II) state or federal law provides otherwise.

3456 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
3457 seller's regular course of business includes books and records the seller keeps in
3458 the regular course of business for nontax purposes.

3459 (g)(i) Except as otherwise provided in this chapter and subject to Subsections
3460 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible
3461 personal property, a product, or a service that is subject to taxation under this
3462 chapter, and the sale, lease, or rental of tangible personal property, other property,
3463 a product, or a service that is not subject to taxation under this chapter, the entire
3464 transaction is subject to taxation under this chapter unless the seller, at the time of
3465 the transaction:

3466 (A) separately states the portion of the transaction that is not subject to taxation

- 3467 under this chapter on an invoice, bill of sale, or similar document provided to
3468 the purchaser; or
- 3469 (B) is able to identify by reasonable and verifiable standards, from the books and
3470 records the seller keeps in the seller's regular course of business, the portion of
3471 the transaction that is not subject to taxation under this chapter.
- 3472 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 3473 (A) after the transaction occurs, the purchaser and the seller discover that the
3474 portion of the transaction that is not subject to taxation under this chapter was
3475 not separately stated on an invoice, bill of sale, or similar document provided
3476 to the purchaser because of an error or ignorance of the law; and
- 3477 (B) the seller is able to identify by reasonable and verifiable standards, from the
3478 books and records the seller keeps in the seller's regular course of business, the
3479 portion of the transaction that is not subject to taxation under this chapter.
- 3480 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller
3481 keeps in the seller's regular course of business includes books and records the
3482 seller keeps in the regular course of business for nontax purposes.
- 3483 (h)(i) If the sales price of a transaction is attributable to two or more items of
3484 tangible personal property, products, or services that are subject to taxation under
3485 this chapter at different rates, the entire purchase is subject to taxation under this
3486 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 3487 (A) separately states the items subject to taxation under this chapter at each of the
3488 different rates on an invoice, bill of sale, or similar document provided to the
3489 purchaser; or
- 3490 (B) is able to identify by reasonable and verifiable standards the tangible personal
3491 property, product, or service that is subject to taxation under this chapter at the
3492 lower tax rate from the books and records the seller keeps in the seller's regular
3493 course of business.
- 3494 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
3495 seller's regular course of business includes books and records the seller keeps in
3496 the regular course of business for nontax purposes.
- 3497 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate
3498 imposed under the following shall take effect on the first day of a calendar quarter:
- 3499 (i) Subsection (2)(a)(i)(A);
- 3500 (ii) Subsection (2)(a)(i)(B);

- 3501 ~~[(ii)]~~ (iii) Subsection (2)(b)(i);
- 3502 ~~[(iii)]~~ (iv) Subsection (2)(c)(i); or
- 3503 ~~[(iv)]~~ (v) Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3504 (j)(i) A tax rate increase takes effect on the first day of the first billing period that
- 3505 begins on or after the effective date of the tax rate increase if the billing period for
- 3506 the transaction begins before the effective date of a tax rate increase imposed
- 3507 under:
- 3508 (A) Subsection (2)(a)(i)(A);
- 3509 (B) Subsection (2)(a)(i)(B);
- 3510 ~~[(B)]~~ (C) Subsection (2)(b)(i);
- 3511 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
- 3512 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3513 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
- 3514 statement for the billing period is rendered on or after the effective date of the
- 3515 repeal of the tax or the tax rate decrease imposed under:
- 3516 (A) Subsection (2)(a)(i)(A);
- 3517 (B) Subsection (2)(a)(i)(B);
- 3518 ~~[(B)]~~ (C) Subsection (2)(b)(i);
- 3519 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
- 3520 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3521 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
- 3522 is computed on the basis of sales and use tax rates published in the catalogue, a
- 3523 tax rate repeal or change in a tax rate takes effect:
- 3524 (A) on the first day of a calendar quarter; and
- 3525 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate
- 3526 change.
- 3527 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 3528 (A) Subsection (2)(a)(i)(A);
- 3529 (B) Subsection (2)(a)(i)(B);
- 3530 ~~[(B)]~~ (C) Subsection (2)(b)(i);
- 3531 ~~[(C)]~~ (D) Subsection (2)(c)(i); or
- 3532 ~~[(D)]~~ (E) Subsection (2)(f)(i)(A)~~[(H)]~~.
- 3533 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 3534 the commission may by rule define the term "catalogue sale."

3535 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall
 3536 determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or
 3537 other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil,
 3538 or other fuel at the location.
 3539 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
 3540 or other fuel is furnished through a single meter for two or more of the following
 3541 uses:
 3542 (A) a commercial use;
 3543 (B) an industrial use; or
 3544 (C) a residential use.
 3545 (3)(a) The commission shall deposit the following state taxes ~~[shall be deposited]~~ into
 3546 the General Fund:
 3547 (i) the tax imposed by Subsection (2)(a)(i)(A);
 3548 (ii) the tax imposed by Subsection (2)(b)(i);
 3549 (iii) the tax imposed by Subsection (2)(c)(i); ~~[and]~~
 3550 (iv) the tax imposed by Subsection (2)(d); and
 3551 ~~[(iv)]~~ (v) the tax imposed by Subsection (2)(f)(i)(A)[(H)].
 3552 (b) The commission shall distribute the following local taxes ~~[shall be distributed]~~ to a
 3553 county, city, or town as provided in this chapter:
 3554 (i) the tax imposed by Subsection (2)(a)(ii);
 3555 (ii) the tax imposed by Subsection (2)(b)(ii);
 3556 (iii) the tax imposed by Subsection (2)(c)(ii); and
 3557 (iv) the tax imposed by Subsection (2)(f)(i)(B).
 3558 ~~[(e) The state tax imposed by Subsection (2)(d) shall be deposited into the General~~
 3559 ~~Fund.]~~
 3560 ~~[(4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,~~
 3561 ~~2003, the lesser of the following amounts shall be expended as provided in Subsections~~
 3562 ~~(4)(b) through (g):]~~
 3563 ~~[(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:]~~
 3564 ~~[(A) by a 1/16% tax rate on the transactions described in Subsection (1); and]~~
 3565 ~~[(B) for the fiscal year; or]~~
 3566 ~~[(ii) \$17,500,000.]~~
 3567 ~~[(b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in~~
 3568 ~~Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue~~

to the Division of Wildlife Resources to:]

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

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

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

[(iii) At the end of each fiscal year:]

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

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

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

[(e) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund created in Section 4-18-106.]

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

[(ii) At the end of each fiscal year:]

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

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

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

[(e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water

Resources:]

[(ii) In addition to the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:]

[(A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;]

[(B) fund state required dam safety improvements; and]

[(C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.]

[(f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.]

[(g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:]

[(i) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;]

[(ii) develop underground sources of water, including springs and wells; and]

[(iii) develop surface water sources.]

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

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

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

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

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

(b) The commission shall deposit 15% of 1.453% of the revenue described in Subsection (4)(a), less the deposits made under Subsection (5)(b), into the Water Rights Restricted Account created in Section 73-2-1.6.

- (c) The commission shall deposit 85% of 1.453% of the revenue described in Subsection (4)(a), less the deposits made under Subsection (5)(b), into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:
- (i) preconstruction costs:
- (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and
- (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;
- (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (5)(b)(iv)(B) after funding the uses specified in Subsections (4)(c)(i) through (iii).
- (d) The commission shall deposit 1.453% of the revenue described in Subsection (4)(a) into the Water Infrastructure Restricted Account created in Section 73-10g-103.
- (e)(i) Subject to Subsection (4)(e)(ii), the commission shall deposit 19.24% of the revenue described in Subsection (4)(a) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- (ii) The commission shall annually reduce the deposit described in Subsection (4)(e)(i) by the sum of:
- (A) \$1,813,400;
- (B) the earmark described in Subsection (5)(c); and
- (C) an amount equal to 35% of the revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received in the state that exceeds 29.4 cents per gallon.
- (iii) The amount described in Subsection (4)(e)(ii)(C) shall be annually deposited into the Transit Transportation Investment Fund created in Section 72-2-124.
- (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.

- 3671 (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into
3672 the Commuter Rail Subaccount created in Section 72-2-124.
- 3673 (h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into
3674 the Outdoor Recreation Adventure Infrastructure Restricted Account created in
3675 Section 51-9-902.
- 3676 [(5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
3677 2006, the difference between the following amounts shall be expended as provided in
3678 this Subsection (5), if that difference is greater than \$1:]
- 3679 [(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
3680 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and]
3681 [(ii) \$17,500,000.]
- 3682 [(b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:]
- 3683 [(A) transferred each fiscal year to the Department of Natural Resources as designated
3684 sales and use tax revenue; and]
3685 [(B) expended by the Department of Natural Resources for watershed rehabilitation or
3686 restoration.]
- 3687 [(ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax
3688 revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources
3689 Conservation and Development Fund created in Section 73-10-24.]
- 3690 [(c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
3691 remaining difference described in Subsection (5)(a) shall be:]
- 3692 [(A) transferred each fiscal year to the Division of Water Resources as designated sales
3693 and use tax revenue; and]
3694 [(B) expended by the Division of Water Resources for cloud-seeding projects authorized
3695 by Title 73, Chapter 15, Modification of Weather.]
- 3696 [(ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax
3697 revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources
3698 Conservation and Development Fund created in Section 73-10-24.]
- 3699 [(d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
3700 remaining difference described in Subsection (5)(a) shall be deposited into the Water
3701 Resources Conservation and Development Fund created in Section 73-10-24 for use by
3702 the Division of Water Resources for:]
- 3703 [(i) preconstruction costs:]
- 3704 [(A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26,

3705 Bear River Development Act; and]

3706 [(B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized

3707 by Title 73, Chapter 28, Lake Powell Pipeline Development Act;]

3708 [(ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,

3709 Chapter 26, Bear River Development Act;]

3710 [(iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project

3711 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and]

3712 [(iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and

3713 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).]

3714 [(e) After making the transfers required by Subsections (5)(b) and (c), 15% of the

3715 remaining difference described in Subsection (5)(a) shall be deposited each year into the

3716 Water Rights Restricted Account created by Section 73-2-1.6.]

3717 (5)(a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make

3718 the deposits described in this Subsection (5).

3719 (b)(i)(A) The commission shall deposit \$500,000 to the Department of Natural

3720 Resources to be used for watershed rehabilitation or restoration.

3721 (B) At the end of each fiscal year, 100% of any unexpended amount described in

3722 Subsection (5)(b)(i)(A) shall lapse into the Water Resources Conservation and

3723 Development Fund created in Section 73-10-24.

3724 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for

3725 cloud-seeding projects authorized by Title 73, Chapter 15, Modification of

3726 Weather.

3727 (iii) The commission shall deposit \$525,000 into the Agriculture Resource

3728 Development Fund created in Section 4-18-106.

3729 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation

3730 and Development Fund created in Section 73-10-24 for use by the Division of

3731 Water Resources for:

3732 (A) the uses allowed of the Water Resources Conservation and Development Fund

3733 under Section 73-10-24;

3734 (B) to conduct hydrologic and geotechnical investigations by the Division of

3735 Water Resources in a cooperative effort with other state, federal, or local

3736 entities, for the purpose of quantifying surface and ground water resources and

3737 describing the hydrologic systems of an area in sufficient detail so as to enable

3738 local and state resource managers to plan for and accommodate growth in

3739 water use without jeopardizing the resource;
3740 (C) to fund state required dam safety improvements; and
3741 (D) to protect the states interest in interstate water compact allocations, including
3742 the hiring of technical and legal staff.
3743 (v) The commission shall deposit \$3,857,500 into the Utah Wastewater Loan
3744 Program Subaccount created in Section 73-10c-5 for use by the Water Quality
3745 Board to fund wastewater projects.
3746 (vi) The commission shall deposit \$3,857,500 into the Drinking Water Loan Program
3747 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water
3748 to:
3749 (A) provide for the installation and repair of collection, treatment, storage, and
3750 distribution facilities for any public water system, as defined in Section
3751 19-4-102;
3752 (B) develop underground sources of water, including springs and wells; and
3753 (C) develop surface water sources.
3754 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources
3755 to:
3756 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
3757 (d) to protect sensitive plant and animal species; or
3758 (B) award grants, up to the amount authorized by the Legislature in an
3759 appropriations act, to political subdivisions of the state to implement the
3760 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
3761 sensitive plant and animal species.
3762 (viii) Funds transferred to the Division of Wildlife Resources under Subsection
3763 (5)(b)(vii)(A) may not be used to assist the United States Fish and Wildlife
3764 Service or any other person to list or attempt to have listed a species as threatened
3765 or endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et
3766 seq.
3767 (ix) At the end of each fiscal year, any unexpended amounts described in this
3768 Subsections (5)(b)(vii)(A) and (B) shall lapse:
3769 (A) 50% into the Water Resources Conservation and Development Fund created
3770 in Section 73-10-24;
3771 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section
3772 73-10c-5; and

3773 (C) 25% into the Drinking Water Loan Program Subaccount created in Section
 3774 73-10c-5.

3775 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover
 3776 the costs incurred in hiring legal and technical staff for the adjudication of water
 3777 rights.

3778 (xi) At the end of each fiscal year any unexpended amounts described in this
 3779 Subsection (5)(b)(x) shall lapse:

3780 (A) 50% into the Water Resources Conservation and Development Fund created
 3781 in Section 73-10-24;

3782 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section
 3783 73-10c-5; and

3784 (C) 25% into the Drinking Water Loan Program Subaccount created in Section
 3785 73-10c-5.

3786 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment
 3787 Fund created in Section 72-2-124.

3788 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food
 3789 Agencies Fund created by and expended in accordance with Section 35A-8-1009.

3790 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit
 3791 for the sole use of the Search and Rescue Financial Assistance Program created by
 3792 and to be expended in accordance with, Title 53, Chapter 2a, Part 11, Search and
 3793 Rescue Act.

3794 ~~[(6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each~~
 3795 ~~fiscal year, the commission shall deposit into the Water Infrastructure Restricted~~
 3796 ~~Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax~~
 3797 ~~rate on the transactions described in Subsection (1) for the fiscal year.]~~

3798 ~~[(7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),~~
 3799 ~~for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into the~~
 3800 ~~Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the~~
 3801 ~~taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from the~~
 3802 ~~following sales and use taxes:]~~

3803 ~~[(i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]~~

3804 ~~[(ii) the tax imposed by Subsection (2)(b)(i);]~~

3805 ~~[(iii) the tax imposed by Subsection (2)(c)(i); and]~~

3806 ~~[(iv) the tax imposed by Subsection (2)(f)(i)(A)(I).]~~

- 3807 [(b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually
3808 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of
3809 2005 by an amount equal to .44% of the revenue collected from the following sales and
3810 use taxes:]
- 3811 [(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]
3812 [(B) the tax imposed by Subsection (2)(b)(i);]
3813 [(C) the tax imposed by Subsection (2)(c)(i); and]
3814 [(D) the tax imposed by Subsection (2)(f)(i)(A)(I).]
- 3815 [(ii) The commission shall annually deposit the amount described in Subsection (7)(b)(i)
3816 into the Cottonwood Canyons Transportation Investment Fund created in Section
3817 72-2-124.]
- 3818 [(c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1, 2023,
3819 the commission shall annually reduce the deposit into the Transportation Investment
3820 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:]
- 3821 [(A) the amount of revenue generated in the current fiscal year by the portion of taxes
3822 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes
3823 described in Subsections (7)(a)(i) through (iv);]
3824 [(B) the amount of revenue generated in the current fiscal year by registration fees
3825 designated under Section 41-1a-1201 to be deposited into the Transportation Investment
3826 Fund of 2005; and]
3827 [(C) revenue transferred by the Division of Finance to the Transportation Investment Fund
3828 of 2005 in accordance with Section 72-2-106 in the current fiscal year.]
- 3829 [(ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a given
3830 fiscal year.]
- 3831 [(iii) The commission shall annually deposit the amount described in Subsection (7)(c)(i)
3832 into the Active Transportation Investment Fund created in Subsection 72-2-124(11).]
- 3833 [(d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually
3834 reduce the deposit into the Transportation Investment Fund of 2005 under this
3835 Subsection (7) by an amount that is equal to 1% of the revenue collected from the
3836 following sales and use taxes:]
- 3837 [(A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]
3838 [(B) the tax imposed by Subsection (2)(b)(i);]
3839 [(C) the tax imposed by Subsection (2)(c)(i); and]
3840 [(D) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3841 [(ii) The commission shall annually deposit the amount described in Subsection (7)(d)(i)
3842 into the Commuter Rail Subaccount created in Section 72-2-124.]

3843 [(8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
3844 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning
3845 on or after July 1, 2018, the commission shall annually deposit into the Transportation
3846 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
3847 Subsection (3)(a) in an amount equal to 3.68% of the revenue collected from the
3848 following taxes:]

3849 [(i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]
3850 [(ii) the tax imposed by Subsection (2)(b)(i);]
3851 [(iii) the tax imposed by Subsection (2)(c)(i); and]
3852 [(iv) the tax imposed by Subsection (2)(f)(i)(A)(I).]

3853 [(b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
3854 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection
3855 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the
3856 current fiscal year by the portion of the tax imposed on motor and special fuel that is
3857 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.]

3858 [(c) The commission shall annually deposit the amount described in Subsection (8)(b) into
3859 the Transit Transportation Investment Fund created in Section 72-2-124.]

3860 [(9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
3861 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies
3862 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.]

3863 [(10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal
3864 year during which the commission receives notice under Section 63N-2-510 that
3865 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the
3866 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the
3867 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact
3868 Mitigation Fund, created in Section 63N-2-512.]

3869 [(11)] (6)(a) The rate specified in this [subsection] Subsection (6) is 0.15%.

3870 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning
3871 on or after July 1, 2019, annually transfer the amount of revenue collected from the
3872 rate described in Subsection [(11)(a)] (6)(a) on the transactions that are subject to the
3873 sales and use tax under Subsection [(2)(a)(i)(A)] (2)(a)(i)(B) into the Medicaid ACA
3874 Fund created in Section 26B-1-315.

3875 ~~[(12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year~~
 3876 ~~2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated~~
 3877 ~~credit solely for use of the Search and Rescue Financial Assistance Program created in,~~
 3878 ~~and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.]~~

3879 ~~[(13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
 3880 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation~~
 3881 ~~Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.]~~

3882 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005 under~~
 3883 ~~Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~
 3884 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005~~
 3885 ~~under Subsections (7) and (8) during the fiscal year to the General Fund.]~~

3886 ~~[(14)]~~ (7) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
 3887 beginning the first day of the calendar quarter one year after the sales and use tax
 3888 boundary for a housing and transit reinvestment zone is established, the commission, at
 3889 least annually, shall transfer an amount equal to 15% of the sales and use tax increment
 3890 within an established sales and use tax boundary, as defined in Section 63N-3-602, into
 3891 the Transit Transportation Investment Fund created in Section 72-2-124.

3892 ~~[(15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning~~
 3893 ~~on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted~~
 3894 ~~Account, created in Section 51-9-902, a portion of the taxes listed under Subsection~~
 3895 ~~(3)(a) equal to 1% of the revenue collected from the following sales and use taxes:]~~

3896 ~~[(a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;]~~
 3897 ~~[(b) the tax imposed by Subsection (2)(b)(i);]~~
 3898 ~~[(c) the tax imposed by Subsection (2)(c)(i); and]~~
 3899 ~~[(d) the tax imposed by Subsection (2)(f)(i)(A)(I).]~~

3900 ~~[(16)]~~ (8) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission
 3901 shall transfer to the Utah Fairpark Area Investment and Restoration District, created in
 3902 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
 3903 (2)(a)(i)(A) ~~[-at a 4.7% rate]~~, on transactions occurring within the district sales tax area,
 3904 as defined in Section 11-70-101.

3905 ~~[(17)]~~ (9)(a) As used in this Subsection ~~[(17)]~~ (9):
 3906 (i) "Additional land" means point of the mountain state land described in Subsection
 3907 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
 3908 the mountain authority provides the commission a map under Subsection ~~[(17)(e)]~~

- 3909 (9)(c).
- 3910 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
- 3911 Authority, created in Section 11-59-201.
- 3912 (iii) "Point of the mountain state land" means the same as that term is defined in
- 3913 Section 11-59-102.
- 3914 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
- 3915 mountain authority 50% of the revenue from the sales and use tax imposed by
- 3916 Subsection (2)(a)(i)(A)[~~at a 4.7% rate~~], on transactions occurring on the point of the
- 3917 mountain state land.
- 3918 (c) The distribution under Subsection [~~(17)(b)~~] (9)(b) shall begin the next calendar
- 3919 quarter that begins at least 90 days after the point of the mountain authority provides
- 3920 the commission a map that:
- 3921 (i) accurately describes the point of the mountain state land; and
- 3922 (ii) the point of the mountain authority certifies as accurate.
- 3923 (d) A distribution under Subsection [~~(17)(b)~~] (9)(b) with respect to additional land shall
- 3924 begin the next calendar quarter that begins at least 90 days after the point of the
- 3925 mountain authority provides the commission a map of point of the mountain state
- 3926 land that:
- 3927 (i) accurately describes the point of the mountain state land, including the additional
- 3928 land; and
- 3929 (ii) the point of the mountain authority certifies as accurate.
- 3930 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
- 3931 distributed to the point of the mountain authority under Subsection [~~(17)(b)~~] (9)(b),
- 3932 the point of the mountain authority shall immediately notify the commission in
- 3933 writing that the bonds are paid in full.
- 3934 (ii) The commission shall discontinue distributions of sales and use tax revenue under
- 3935 Subsection [~~(17)(b)~~] (9)(b) at the beginning of the calendar quarter that begins at
- 3936 least 90 days after the date that the commission receives the written notice under
- 3937 Subsection [~~(17)(e)(i)~~] (9)(e)(i).
- 3938 (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in
- 3939 Section 63N-2-503.5 is deposited into the Convention Incentive Fund created in Section
- 3940 63N-2-503.5.
- 3941 Section 18. Section **59-12-104.2** is amended to read:
- 3942 **59-12-104.2 . Exemption for accommodations and services taxed by the Navajo**

3943 **Nation.**

3944 (1) As used in this section "tribal taxing area" means the geographical area that:

3945 (a) is subject to the taxing authority of the Navajo Nation; and

3946 (b) consists of:

3947 (i) notwithstanding the issuance of a patent, all land:

3948 (A) within the limits of an Indian reservation under the jurisdiction of the federal
3949 government; and

3950 (B) including any rights-of-way running through the reservation; and

3951 (ii) all Indian allotments the Indian titles to which have not been extinguished,
3952 including any rights-of-way running through an Indian allotment.

3953 (2)(a) Beginning July 1, 2001, amounts paid by or charged to a purchaser for
3954 accommodations and services described in Subsection 59-12-103(1)(i) are exempt
3955 from the tax imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~]
3956 Subsections 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A) to the
3957 extent permitted under Subsection (2)(b) if:

3958 (i) the accommodations and services described in Subsection 59-12-103(1)(i) are
3959 provided within:

3960 (A) the state; and

3961 (B) a tribal taxing area;

3962 (ii) the Navajo Nation imposes and collects a tax on the amounts paid by or charged
3963 to the purchaser for the accommodations and services described in Subsection
3964 59-12-103(1)(i);

3965 (iii) the Navajo Nation imposes the tax described in Subsection (2)(a)(ii) without
3966 regard to whether or not the purchaser that pays or is charged for the
3967 accommodations and services is an enrolled member of the Navajo Nation; and

3968 (iv) the requirements of Subsection (4) are met.

3969 (b) If but for Subsection (2)(a) the amounts paid by or charged to a purchaser for
3970 accommodations and services described in Subsection (2)(a) are subject to a tax
3971 imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~] Subsections
3972 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A):

3973 (i) the seller shall collect and pay to the state the difference described in Subsection
3974 (3) if that difference is greater than \$0; and

3975 (ii) a person may not require the state to provide a refund, a credit, or similar tax
3976 relief if the difference described in Subsection (3) is equal to or less than \$0.

- (3) The difference described in Subsection (2)(b) is equal to the difference between:
- (a) the amount of tax imposed by [~~Subsection 59-12-103(2)(a)(i)(A) or (2)(e)(i)(A)(I)~~ Subsections 59-12-103(2)(a)(i)(A) and (B) or Subsection 59-12-103(2)(e)(i)(A) on the amounts paid by or charged to a purchaser for accommodations and services described in Subsection 59-12-103(1)(i); less
 - (b) the tax imposed and collected by the Navajo Nation on the amounts paid by or charged to a purchaser for the accommodations and services described in Subsection 59-12-103(1)(i).
- (4)(a) If, on or after July 1, 2001, the Navajo Nation changes the tax rate of a tax imposed on amounts paid by or charged to a purchaser for accommodations and services described in Subsection 59-12-103(1)(i), any change in the amount of the exemption under Subsection (2) as a result of the change in the tax rate is not effective until the first day of the calendar quarter after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (4)(b) from the Navajo Nation.
- (b) The notice described in Subsection (4)(a) shall state:
- (i) that the Navajo Nation has changed or will change the tax rate of a tax imposed on amounts paid by or charged to a purchaser for accommodations and services described in Subsection 59-12-103(1)(i);
 - (ii) the effective date of the rate change on the tax described in Subsection (4)(b)(i); and
 - (iii) the new rate of the tax described in Subsection (4)(b)(i).
- Section 19. Section **59-12-1201** is amended to read:
- 59-12-1201 . Motor vehicle rental tax -- Rate -- Exemptions -- Administration, collection, and enforcement of tax -- Administrative charge -- Deposits.**
- (1) As used in this section:
- (a) "Fairpark district board" means the board of the fairpark district.
 - (b) "Fairpark district" means the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201.
 - (c) "Franchise agreement date" means the same as that term is defined in Section 11-70-101.
 - (d) "Stadium contribution" means the same as that term is defined in Section 11-70-101.
 - (e) "Transition date" means the first day of the calendar quarter that begins at least 90 days after the fairpark district board delivers to the commission the certificate

described in Subsection (2)(a)(ii)(B).

(2)(a)(i) Except as provided in Subsections (4) and (5), there is imposed a tax of 2.5% on all short-term rentals of motor vehicles.

(ii)(A) In addition to the tax imposed under Subsection (2)(a)(i) and except as provided in Subsections (4) and (5), beginning on the transition date there is imposed a tax of 1.5% on all short-term leases and rentals of motor vehicles not exceeding 30 days.

(B) After the franchise agreement date, the fairpark district board shall deliver to the commission a certificate verifying the execution of a franchise agreement, as defined in Section 11-70-101, and providing the franchise agreement date.

(C) A tax under this Subsection (2)(a)(ii) is imposed only if the franchise agreement date is on or before June 30, 2032.

(b) The tax imposed in this section is in addition to all other state, county, or municipal fees and taxes imposed on rentals of motor vehicles.

(3)(a) Subject to Subsection (3)(b), a tax rate repeal or tax rate change for the tax imposed under Subsection (2) shall take effect on the first day of a calendar quarter.

(b)(i) For a transaction subject to a tax under Subsection (2), a tax rate increase shall take effect on the first day of the first billing period:

(A) that begins after the effective date of the tax rate increase; and

(B) if the billing period for the transaction begins before the effective date of a tax rate increase imposed under Subsection (2).

(ii) For a transaction subject to a tax under Subsection (2), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:

(A) that began before the effective date of the repeal of the tax or the tax rate decrease; and

(B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection ~~[(1)]~~ (2).

(4) A tax imposed under this section applies at the same rate to car sharing of less than 30 days, except for car sharing for the purpose of temporarily replacing a person's motor vehicle that is being repaired pursuant to a repair or an insurance agreement.

(5) A motor vehicle is exempt from the tax imposed under this section if:

(a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;

(b) the motor vehicle is rented as a personal household goods moving van; or

(c) the lease or rental of the motor vehicle is made for the purpose of temporarily

replacing a person's motor vehicle that is being repaired pursuant to a repair agreement or an insurance agreement.

(6)(a)(i) The tax authorized under this section shall be administered, collected, and enforced in accordance with:

(A) the same procedures used to administer, collect, and enforce the tax under Part 1, Tax Collection; and

(B) Chapter 1, General Taxation Policies.

(ii) Notwithstanding Subsection [~~(5)(a)(i)~~] (6)(a)(i), a tax under this part is not subject to Subsections 59-12-103(4) through [~~(9)~~] (10) or Section 59-12-107.1 or 59-12-123.

(b) The commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenue the commission collects from a tax under this part.

(c) Except as provided under Subsections (6)(b) and (d):

(i) the commission shall deposit daily with the state treasurer all revenue received under this section; and

(ii) the state treasurer shall credit monthly all revenue received under this section to the Marda Dillree Corridor Preservation Fund under Section 72-2-117.

(d)(i) Subject to Subsection (6)(d)(iii), all revenue received by the commission under Subsection (2)(a)(ii) shall be paid to the fairpark district.

(ii) Within 10 days after the fairpark district completes payment of the stadium contribution, the fairpark district board shall deliver to the commission a written statement verifying that the fairpark district has completed payment of the stadium contribution.

(iii) Upon receipt of the written statement under Subsection (6)(d)(ii), the commission shall:

(A) discontinue collecting revenue under Subsection (2)(a)(ii), beginning the first day of the calendar quarter that is at least 90 days after the commission's receipt of the written statement;

(B) discontinue distributing revenue under Subsection (2)(a)(ii) to the fairpark district, beginning the first day of the calendar quarter that is at least 90 days after the commission's receipt of the written statement; and

(C) notify the Executive Appropriations Committee of the Legislature that the commission is discontinuing collecting and distributing revenue under Subsection (2)(a)(ii).

Section 20. Section **63N-2-510** is amended to read:

63N-2-510 . Report by office -- Posting of report.

- (1) The office shall include the following information in the office's annual written report described in Section 63N-1a-306:
 - (a) the state's success in attracting new conventions and corresponding new state revenue;
 - (b) the estimated amount of convention incentive commitments and the associated calculation made by the office and the period of time over which convention incentives are expected to be paid;
 - (c) the economic impact on the state related to generating new state revenue and providing convention incentives; and
 - (d) the estimated and actual costs and economic benefits of the convention incentive commitments that the office made.
- (2) Upon the commencement of the construction of a qualified hotel, the office shall send a written notice to the Division of Finance[:]
~~[(a) referring to the two annual deposits required under Subsection 59-12-103(10); and]~~
~~[(b)]~~ notifying the Division of Finance that construction on the qualified hotel has begun.

Section 21. Section **63N-2-512** is amended to read:

63N-2-512 . Hotel Impact Mitigation Fund.

- (1) As used in this section:
 - (a) "Affected hotel" means a hotel built in the state before July 1, 2014.
 - (b) "Direct losses" means affected hotels' losses of hotel guest business attributable to the qualified hotel room supply being added to the market in the state.
 - (c) "Mitigation fund" means the Hotel Impact Mitigation Fund, created in Subsection (2).
- (2) There is created an expendable special revenue fund known as the Hotel Impact Mitigation Fund.
- (3) The mitigation fund shall:
 - (a) be administered by GOEO;
 - (b) earn interest; and
 - (c) be funded by:
 - ~~[(i) payments required to be deposited into the mitigation fund by the Division of Finance under Subsection 59-12-103(10);]~~
 - ~~[(ii)]~~ (i) money required to be deposited into the mitigation fund under Subsection 17-31-9(2) by the county in which a qualified hotel is located; and

- 4113 ~~[(iii)]~~ (ii) any money deposited into the mitigation fund under Subsection (6).
- 4114 (4) Interest earned by the mitigation fund shall be deposited into the mitigation fund.
- 4115 (5)(a) In accordance with office rules, GOEO shall annually pay up to \$2,100,000 of
- 4116 money in the mitigation fund:
- 4117 (i) to affected hotels;
- 4118 (ii) for four consecutive years, beginning 12 months after the date of initial
- 4119 occupancy of the qualified hotel occurs; and
- 4120 (iii) to mitigate direct losses.
- 4121 (b)(i) If the amount GOEO pays under Subsection (5)(a) in any year is less than
- 4122 \$2,100,000, GOEO shall pay to the Stay Another Day and Bounce Back Fund,
- 4123 created in Section 63N-2-511, the difference between \$2,100,000 and the amount
- 4124 paid under Subsection (5)(a).
- 4125 (ii) GOEO shall make any required payment under Subsection (5)(b)(i) within 90
- 4126 days after the end of the year for which a determination is made of how much
- 4127 GOEO is required to pay to affected hotels under Subsection (5)(a).
- 4128 (6) A host local government or qualified hotel owner may make payments to the Division
- 4129 of Finance for deposit into the mitigation fund.
- 4130 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 4131 office shall, in consultation with the Utah Hotel and Lodging Association and the county
- 4132 in which the qualified hotel is located, make rules establishing procedures and criteria
- 4133 governing payments under Subsection (5)(a) to affected hotels.
- 4134 Section 22. Section **72-2-106** is amended to read:
- 4135 **72-2-106 . Appropriation and transfers from Transportation Fund.**
- 4136 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use
- 4137 of the department an amount equal to two-elevenths of the taxes collected from the
- 4138 motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated for
- 4139 class B and class C roads, to be used for highway rehabilitation.
- 4140 (2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall
- 4141 annually transfer an amount equal to the amount of revenue generated by a tax imposed
- 4142 on motor and special fuel that is sold, used, or received for sale or used in this state at a
- 4143 rate of 1.8 cents per gallon to the Transportation Investment Fund of 2005 created by
- 4144 Section 72-2-124.
- 4145 (3) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall
- 4146 annually transfer to the Transportation Investment Fund of 2005 created by Section

72-2-124 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.

~~[(4) For purposes of the calculation described in Subsection 59-12-103(7)(c), the Division of Finance shall notify the State Tax Commission of the amount of any transfer made under Subsections (2) and (3).]~~

Section 23. Section **72-2-124** is amended to read:

72-2-124 . Transportation Investment Fund of 2005.

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

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

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and

(e) revenues transferred to the fund in accordance with Section 72-2-106.

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

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

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

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

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

(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3

- 4181 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
4182 issued by Salt Lake County;
- 4183 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
4184 for projects prioritized in accordance with Section 72-2-125;
- 4185 (vi) all highway general obligation bonds that are intended to be paid from revenues
4186 in the Centennial Highway Fund created by Section 72-2-118;
- 4187 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
4188 Class Highway Projects Fund created in Section 72-2-121 to be used for the
4189 purposes described in Section 72-2-121;
- 4190 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
4191 the costs needed for construction, reconstruction, or renovation of paved
4192 pedestrian or paved nonmotorized transportation for projects that:
- 4193 (A) mitigate traffic congestion on the state highway system;
- 4194 (B) are part of an active transportation plan approved by the department; and
- 4195 (C) are prioritized by the commission through the prioritization process for new
4196 transportation capacity projects adopted under Section 72-1-304;
- 4197 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
4198 reconstruction, or renovation of or improvement to the following projects:
- 4199 (A) the connector road between Main Street and 1600 North in the city of
4200 Vineyard;
- 4201 (B) Geneva Road from University Parkway to 1800 South;
- 4202 (C) the SR-97 interchange at 5600 South on I-15;
- 4203 (D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to
4204 South Jordan Parkway;
- 4205 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 4206 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 4207 (G) widening I-15 between mileposts 6 and 8;
- 4208 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 4209 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
4210 in Spanish Fork Canyon;
- 4211 (J) I-15 northbound between mileposts 43 and 56;
- 4212 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
4213 43 and 45.1;
- 4214 (L) east Zion SR-9 improvements;

- (M) Toquerville Parkway;
- (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and
- (P) an environmental impact study for Kimball Junction in Summit County; and
- (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:
- (A) \$5,000,000 for Payson Main Street repair and replacement;
- (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10.
- (b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).
- (c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.
- (ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.
- (5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.
- (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

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

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

(6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

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

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

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

- 4283 72-1-304.
- 4284 (7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
4285 any fiscal year, the department and the commission shall appear before the Executive
4286 Appropriations Committee of the Legislature and present the amount of bond
4287 proceeds that the department needs to provide funding for the projects identified in
4288 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
4289 or next fiscal year.
- 4290 (b) The Executive Appropriations Committee of the Legislature shall review and
4291 comment on the amount of bond proceeds needed to fund the projects.
- 4292 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
4293 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
4294 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
4295 service or sinking fund.
- 4296 (9)(a) There is created in the Transportation Investment Fund of 2005 the Transit
4297 Transportation Investment Fund.
- 4298 (b) The fund shall be funded by:
- 4299 (i) contributions deposited into the fund in accordance with Section 59-12-103;
4300 (ii) appropriations into the account by the Legislature;
4301 (iii) deposits of sales and use tax increment related to a housing and transit
4302 reinvestment zone as described in Section 63N-3-610;
4303 (iv) transfers of local option sales and use tax revenue as described in Subsection
4304 59-12-2220(11)(b) or (c);
4305 (v) private contributions; and
4306 (vi) donations or grants from public or private entities.
- 4307 (c)(i) The fund shall earn interest.
4308 (ii) All interest earned on fund money shall be deposited into the fund.
- 4309 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:
4310 (i) for public transit capital development of new capacity projects and fixed guideway
4311 capital development projects to be used as prioritized by the commission through
4312 the prioritization process adopted under Section 72-1-304;
4313 (ii) to the department for oversight of a fixed guideway capital development project
4314 for which the department has responsibility; or
4315 (iii) up to \$500,000 per year, to be used for a public transit study.
- 4316 (e)(i) Subject to Subsections (9)(g), (h), and (i), the commission may only prioritize

- 4317 money from the fund for a public transit capital development project or pedestrian
4318 or nonmotorized transportation project that provides connection to the public
4319 transit system if the public transit district or political subdivision provides funds of
4320 equal to or greater than 30% of the costs needed for the project.
- 4321 (ii) A public transit district or political subdivision may use money derived from a
4322 loan granted pursuant to ~~[Title 72, Chapter 2,]~~ Part 2, State Infrastructure Bank
4323 Fund, to provide all or part of the 30% requirement described in Subsection
4324 (9)(e)(i) if:
- 4325 (A) the loan is approved by the commission as required in ~~[Title 72, Chapter 2,]~~
4326 Part 2, State Infrastructure Bank Fund; and
- 4327 (B) the proposed capital project has been prioritized by the commission pursuant
4328 to Section 72-1-303.
- 4329 (f) Before July 1, 2022, the department and a large public transit district shall enter into
4330 an agreement for a large public transit district to pay the department \$5,000,000 per
4331 year for 15 years to be used to facilitate the purchase of zero emissions or low
4332 emissions rail engines and trainsets for regional public transit rail systems.
- 4333 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
- 4334 (i) the commission may prioritize money from the fund for public transit projects,
4335 operations, or maintenance within the county of the first class; and
- 4336 (ii) Subsection (9)(e) does not apply.
- 4337 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
- 4338 (i) the commission may prioritize public transit projects, operations, or maintenance
4339 in the county from which the revenue was generated; and
- 4340 (ii) Subsection (9)(e) does not apply.
- 4341 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
4342 the project described in Subsection (9)(e) does not apply to a public transit capital
4343 development project or pedestrian or nonmotorized transportation project that the
4344 department proposes.
- 4345 (j) In accordance with Part ~~[3]~~ 4, Public Transit Innovation Grants, the commission may
4346 prioritize money from the fund for public transit innovation grants, as defined in
4347 Section 72-2-401, for public transit capital development projects requested by a
4348 political subdivision within a public transit district.
- 4349 (10)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
4350 Canyons Transportation Investment Fund.

- 4351 (b) The fund shall be funded by:
- 4352 (i) money deposited into the fund in accordance with Section 59-12-103;
- 4353 (ii) appropriations into the account by the Legislature;
- 4354 (iii) private contributions; and
- 4355 (iv) donations or grants from public or private entities.
- 4356 (c)(i) The fund shall earn interest.
- 4357 (ii) All interest earned on fund money shall be deposited into the fund.
- 4358 (d) The Legislature may appropriate money from the fund for public transit or
- 4359 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 4360 (e) The department may use up to 2% of the revenue deposited into the account under
- 4361 Subsection ~~[59-12-103(7)(b)]~~ 59-12-103(4)(f) to contract with local governments as
- 4362 necessary for public safety enforcement related to the Cottonwood Canyons of Salt
- 4363 Lake County.
- 4364 (11)(a) There is created in the Transportation Investment Fund of 2005 the Active
- 4365 Transportation Investment Fund.
- 4366 (b) The fund shall be funded by:
- 4367 (i) money deposited into the fund in accordance with Section 59-12-103;
- 4368 (ii) appropriations into the account by the Legislature; and
- 4369 (iii) donations or grants from public or private entities.
- 4370 (c)(i) The fund shall earn interest.
- 4371 (ii) All interest earned on fund money shall be deposited into the fund.
- 4372 (d) The executive director may only use fund money to pay the costs needed for:
- 4373 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 4374 paved pedestrian or paved nonmotorized trail projects that:
- 4375 (A) are prioritized by the commission through the prioritization process for new
- 4376 transportation capacity projects adopted under Section 72-1-304;
- 4377 (B) serve a regional purpose; and
- 4378 (C) are part of an active transportation plan approved by the department or the
- 4379 plan described in Subsection (11)(d)(ii);
- 4380 (ii) the development of a plan for a statewide network of paved pedestrian or paved
- 4381 nonmotorized trails that serve a regional purpose; and
- 4382 (iii) the administration of the fund, including staff and overhead costs.
- 4383 (12)(a) As used in this Subsection (12), "commuter rail" means the same as that term is
- 4384 defined in Section 63N-3-602.

- 4385 (b) There is created in the Transit Transportation Investment Fund the Commuter Rail
4386 Subaccount.
- 4387 (c) The subaccount shall be funded by:
- 4388 (i) contributions deposited into the subaccount in accordance with Section 59-12-103;
- 4389 (ii) appropriations into the subaccount by the Legislature;
- 4390 (iii) private contributions; and
- 4391 (iv) donations or grants from public or private entities.
- 4392 (d)(i) The subaccount shall earn interest.
- 4393 (ii) All interest earned on money in the subaccount shall be deposited into the
4394 subaccount.
- 4395 (e) As prioritized by the commission through the prioritization process adopted under
4396 Section 72-1-304 or as directed by the Legislature, the department may only use
4397 money from the subaccount for projects that improve the state's commuter rail
4398 infrastructure, including the building or improvement of grade-separated crossings
4399 between commuter rail lines and public highways.
- 4400 (f) Appropriations made in accordance with this section are nonlapsing in accordance
4401 with Section 63J-1-602.1.
- 4402 Section 24. Section **73-2-1.6** is amended to read:
- 4403 **73-2-1.6 . Water Rights Restricted Account.**
- 4404 (1) As used in this section:
- 4405 (a) "Account" means the Water Rights Restricted Account created by this section.
- 4406 (b) "Division" means the Division of Water Rights.
- 4407 (2) There is created in the General Fund a restricted account known as the "Water Rights
4408 Restricted Account."
- 4409 (3) The account shall consist of the money deposited into the account under Subsection [
4410 ~~59-12-103(5)(e)~~] 59-12-103(4)(b).
- 4411 (4) Upon appropriation, the division may use money in the account for:
- 4412 (a) costs incurred by the division that benefit water rights adjudications, including:
- 4413 (i) employing technical staff;
- 4414 (ii) acquiring equipment;
- 4415 (iii) obtaining legal support;
- 4416 (iv) conducting studies;
- 4417 (A) installing, operating, and maintaining measurement infrastructure; and
- 4418 (B) sharing the costs of installed United States Geological Survey stream gauges;

4419 and
4420 (b) not to exceed 5% of the money deposited into the account under Subsection [
4421 ~~59-12-103(5)(e)] 59-12-103(4)(b)~~ in the fiscal year preceding the fiscal year of
4422 appropriation, costs incurred by the division to acquire, manage, and analyze surface
4423 and groundwater data, not limited to geographic areas of adjudication.
4424 (5)(a) The account may not exceed \$8,000,000 at the end of a fiscal year.
4425 (b) If the account exceeds \$8,000,000 at the end of a fiscal year, the Division of Finance
4426 shall deposit into the Water Resources Conservation and Development Fund, created
4427 in Section 73-10-24, the money in excess of the amount necessary to maintain the
4428 account balance at \$8,000,000.
4429 Section 1. **Effective Date.**
4430 This bill takes effect on May 7, 2025.