

**Effective 5/12/2020**

**Effective until 5/1/2024**

**72-6-118 Definitions -- Establishment and operation of tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**

(1) As used in this section:

- (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a toll or fee.
- (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.
- (c) "Toll lane" means a designated new highway or additional lane capacity that is constructed, operated, or maintained for which a toll is charged for its use.
- (d)
  - (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way designed and used as a transportation route that is constructed, operated, or maintained through the use of toll revenues.
  - (ii) "Tollway" includes a high occupancy toll lane and a toll lane.
- (e) "Tollway development agreement" has the same meaning as defined in Section 72-6-202.

(2) Subject to the provisions of Subsection (3), the department may:

- (a) establish, expand, and operate tollways and related facilities for the purpose of funding in whole or in part the acquisition of right-of-way and the design, construction, reconstruction, operation, enforcement, and maintenance of or impacts from a transportation route for use by the public;
- (b) enter into contracts, agreements, licenses, franchises, tollway development agreements, or other arrangements to implement this section;
- (c) impose and collect tolls on any tollway established under this section, including collection of past due payment of a toll or penalty;
- (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls pursuant to the terms and conditions of a tollway development agreement;
- (e) use technology to automatically monitor a tollway and collect payment of a toll, including:
  - (i) license plate reading technology; and
  - (ii) photographic or video recording technology; and
- (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for which registration renewal has been requested.

(3)

- (a) The department may establish or operate a tollway on an existing highway if approved by the commission in accordance with the terms of this section.
- (b) To establish a tollway on an existing highway, the department shall submit a proposal to the commission including:
  - (i) a description of the tollway project;
  - (ii) projected traffic on the tollway;
  - (iii) the anticipated amount of the toll to be charged; and
  - (iv) projected toll revenue.

(4)

- (a) For a tollway established under this section, the department may:

- (i) according to the terms of each tollway, impose the toll upon the owner of a motor vehicle using the tollway according to the terms of the tollway;
  - (ii) send correspondence to the owner of the motor vehicle to inform the owner of:
    - (A) an unpaid toll and the amount of the toll to be paid to the department;
    - (B) the penalty for failure to pay the toll timely; and
    - (C) a hold being placed on the owner's registration for the motor vehicle if the toll and penalty are not paid timely, which would prevent the renewal of the motor vehicle's registration;
  - (iii) require that the owner of the motor vehicle pay the toll to the department within 30 days of the date when the department sends written notice of the toll to the owner; and
  - (iv) impose a penalty for failure to pay a toll timely.
- (b) The department shall mail the correspondence and notice described in Subsection (4)(a) to the owner of the motor vehicle according to the terms of a tollway.
- (5)
- (a) The Division of Motor Vehicles and the department shall share and provide access to information pertaining to a motor vehicle and tollway enforcement including:
    - (i) registration and ownership information pertaining to a motor vehicle;
    - (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or penalty imposed under this section; and
    - (iii) the status of a request for a hold on the registration of a motor vehicle.
  - (b) If the department requests a hold on the registration in accordance with this section, the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or penalty imposed under this section for usage of a tollway involving the motor vehicle for which registration renewal has been requested until the department withdraws the hold request.
- (6)
- (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:
    - (i) set the amount of any toll imposed or collected on a tollway on a state highway; and
    - (ii) for tolls established under Subsection (6)(b), set:
      - (A) an increase in a toll rate or user fee above an increase specified in a tollway development agreement; or
      - (B) an increase in a toll rate or user fee above a maximum toll rate specified in a tollway development agreement.
  - (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a tollway on a state highway that is the subject of a tollway development agreement shall be set in the tollway development agreement.
- (7)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
    - (i) necessary to establish and operate tollways on state highways;
    - (ii) that establish standards and specifications for automatic tolling systems and automatic tollway monitoring technology; and
    - (iii) to set the amount of a penalty for failure to pay a toll under this section.
  - (b) The rules shall:
    - (i) include minimum criteria for having a tollway; and
    - (ii) conform to regional and national standards for automatic tolling.
- (8)

- (a) The commission may provide funds for public or private tollway pilot projects or high occupancy toll lanes from General Fund money appropriated by the Legislature to the commission for that purpose.
  - (b) The commission may determine priorities and funding levels for tollways designated under this section.
- (9)
- (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on a state highway shall be deposited into the Tollway Special Revenue Fund created in Section 72-2-120 and used for any state transportation purpose.
  - (b) Revenue generated from a tollway that is the subject of a tollway development agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance with Subsection (9)(a) unless:
    - (i) the revenue is to a private entity through the tollway development agreement; or
    - (ii) the revenue is identified for a different purpose under the tollway development agreement.
- (10) Data described in Subsection (2)(e) obtained for the purposes of this section:
- (a) in accordance with Section 63G-2-305, is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, if the photographic or video data is maintained by a governmental entity;
  - (b) may not be used or shared for any purpose other than the purposes described in this section;
  - (c) may only be preserved:
    - (i) so long as necessary to collect the payment of a toll or penalty imposed in accordance with this section; or
    - (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant; and
  - (d) may only be disclosed:
    - (i) in accordance with the disclosure requirements for a protected record under Section 63G-2-202; or
    - (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an equivalent federal warrant.
- (11)
- (a) The department may not sell for any purpose photographic or video data captured under Subsection (2)(e)(ii).
  - (b) The department may not share captured photographic or video data for a purpose not authorized under this section.
- (12) Before November 1, 2018, the Driver License Division, the Division of Motor Vehicles, and the department shall jointly study and report findings and recommendations to the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers' License Compact, and other methods to collect a toll or penalty under this section from:
- (a) an owner of a motor vehicle registered outside this state; or
  - (b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.