

TRANSPORTATION CODE RECODIFICATION

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

Patrice Arent

Gary F. Cox

AN ACT RELATING TO TRANSPORTATION; CREATING A NEW TITLE 72, TRANSPORTATION; RECODIFYING VARIOUS TRANSPORTATION RELATED PROVISIONS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 10-7-20**, as last amended by Chapter 84, Laws of Utah 1997
- 10-9-404**, as last amended by Chapter 171, Laws of Utah 1997
- 11-14-17.5**, as last amended by Chapter 91, Laws of Utah 1985
- 17-27-404**, as last amended by Chapter 171, Laws of Utah 1997
- 17A-3-208**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 31A-22-1300**, as enacted by Chapter 242, Laws of Utah 1985
- 31A-22-1302**, as last amended by Chapter 10, Laws of Utah 1997
- 31A-22-1303**, as last amended by Chapter 170, Laws of Utah 1996
- 32A-9-106**, as last amended by Chapter 170, Laws of Utah 1996
- 41-1a-109**, as last amended by Chapter 170, Laws of Utah 1996
- 41-1a-110**, as last amended by Chapter 170, Laws of Utah 1996
- 41-1a-1101**, as last amended by Chapters 59 and 170, Laws of Utah 1996
- 41-1a-1201**, as last amended by Chapters 262 and 384, Laws of Utah 1997
- 41-6-17**, as last amended by Chapter 138, Laws of Utah 1987
- 41-6-44.30**, as last amended by Chapters 170 and 223, Laws of Utah 1996
- 41-6-48**, as last amended by Chapter 49, Laws of Utah 1996
- 41-6-102**, as last amended by Chapter 170, Laws of Utah 1996
- 41-6-114**, as last amended by Chapter 241, Laws of Utah 1979

- 41-6-148.20**, as last amended by Chapter 287, Laws of Utah 1997
- 53-3-402**, as last amended by Chapter 7, Laws of Utah 1994
- 59-12-102**, as last amended by Chapters 209, 299 and 344, Laws of Utah 1997
- 59-12-103**, as last amended by Chapters 261 and 272, Laws of Utah 1997
- 59-12-1201**, as enacted by Chapter 257, Laws of Utah 1997
- 59-15-106**, as last amended by Chapter 170, Laws of Utah 1996
- 63-38c-103**, as last amended by Chapter 3, Laws of Utah 1997
- 63-55-263**, as last amended by Chapters 15, 98, 134 and 393, Laws of Utah 1997
- 63-56-13**, as last amended by Chapter 120, Laws of Utah 1994
- 63-65-2**, as last amended by Chapter 244, Laws of Utah 1997
- 77-1a-4**, as last amended by Chapter 315, Laws of Utah 1997
- 77-7-18**, as last amended by Chapter 350, Laws of Utah 1997
- 78-3-14.5**, as last amended by Chapter 198, Laws of Utah 1996
- 78-5-116**, as last amended by Chapters 138 and 268, Laws of Utah 1991

ENACTS:

- 72-2-101**, Utah Code Annotated 1953
- 72-2-102**, Utah Code Annotated 1953
- 72-3-101**, Utah Code Annotated 1953
- 72-3-108**, Utah Code Annotated 1953
- 72-4-101**, Utah Code Annotated 1953
- 72-5-101**, Utah Code Annotated 1953
- 72-6-101**, Utah Code Annotated 1953
- 72-6-117**, Utah Code Annotated 1953
- 72-7-101**, Utah Code Annotated 1953
- 72-11-101**, Utah Code Annotated 1953
- 72-11-102**, Utah Code Annotated 1953
- 72-12-101**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

- 72-1-101**, (Renumbered from 63-49-1, as enacted by Chapter 204, Laws of Utah 1975)
- 72-1-102**, (Renumbered from 27-12-2, as last amended by Chapter 170, Laws of Utah 1996)
- 72-1-201**, (Renumbered from 63-49-4, as last amended by Chapter 120, Laws of Utah 1994)
- 72-1-202**, (Renumbered from 63-49-5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-1-203**, (Renumbered from 63-49-6, as last amended by Chapter 120, Laws of Utah 1994)
- 72-1-204**, (Renumbered from 63-49-7, as last amended by Chapter 170, Laws of Utah 1996)
- 72-1-205**, (Renumbered from 63-49-9, as last amended by Chapter 120, Laws of Utah 1994)
- 72-1-206**, (Renumbered from 63-49-21, as enacted by Chapter 98, Laws of Utah 1995)
- 72-1-207**, (Renumbered from 27-12-13, as last amended by Chapter 137, Laws of Utah 1991)
- 72-1-208**, (Renumbered from 27-12-14, as last amended by Chapter 137, Laws of Utah 1991)
- 72-1-209**, (Renumbered from 27-12-16, as last amended by Chapter 137, Laws of Utah 1991)
- 72-1-210**, (Renumbered from 27-12-20, as last amended by Chapter 137, Laws of Utah 1991)
- 72-1-301**, (Renumbered from 63-49-10, as last amended by Chapters 68 and 243, Laws of Utah 1996)
- 72-1-302**, (Renumbered from 63-49-11, as enacted by Chapter 204, Laws of Utah 1975)
- 72-1-303**, (Renumbered from 63-49-12, as last amended by Chapter 120, Laws of Utah 1994)
- 72-2-103**, (Renumbered from 63-49-19, as last amended by Chapters 78 and 170, Laws of Utah 1996)
- 72-2-104**, (Renumbered from 63-49-15, as last amended by Chapter 117, Laws of Utah 1977)
- 72-2-105**, (Renumbered from 27-12-126, as last amended by Chapter 117, Laws of Utah 1977)
- 72-2-106**, (Renumbered from 27-12-128, as enacted by Chapter 135, Laws of Utah 1981)
- 72-2-107**, (Renumbered from 27-12-127, as last amended by Chapter 137, Laws of Utah 1991)
- 72-2-108**, (Renumbered from 27-12-129, as last amended by Chapter 260, Laws of Utah 1997)
- 72-2-109**, (Renumbered from 27-12-130, as last amended by Chapter 120, Laws of Utah 1994)
- 72-2-110**, (Renumbered from 27-12-131, as enacted by Chapter 39, Laws of Utah 1963)
- 72-2-111**, (Renumbered from 27-12-121, as last amended by Chapter 120, Laws of Utah 1994)
- 72-2-112**, (Renumbered from 63-49-16, as last amended by Chapter 117, Laws of Utah 1977)
- 72-2-113**, (Renumbered from 63-49-23, as enacted by Chapter 236, Laws of Utah 1997)

72-2-114, (Renumbered from 63-49-25, as enacted by Chapter 270, Laws of Utah 1997)

72-2-115, (Renumbered from 63-49-18, as enacted by Chapter 271, Laws of Utah 1977)

72-2-116, (Renumbered from 27-12-132, as last amended by Chapter 227, Laws of Utah 1993)

72-2-117, (Renumbered from 27-12-103.6, as last amended by Chapter 257, Laws of Utah 1997)

72-2-118, (Renumbered from 63-49-22, as last amended by Chapters 261 and 262, Laws of Utah 1997)

72-2-119, (Renumbered from 63-49-24, as enacted by Chapter 393, Laws of Utah 1997)

72-2-120, (Renumbered from 27-12-132.2, as enacted by Chapter 155, Laws of Utah 1997)

72-2-201, (Renumbered from 27-18-102, as enacted by Chapter 244, Laws of Utah 1997)

72-2-202, (Renumbered from 27-18-103, as enacted by Chapter 244, Laws of Utah 1997)

72-2-203, (Renumbered from 27-18-104, as enacted by Chapter 244, Laws of Utah 1997)

72-2-204, (Renumbered from 27-18-105, as enacted by Chapter 244, Laws of Utah 1997)

72-2-205, (Renumbered from 27-18-106, as enacted by Chapter 244, Laws of Utah 1997)

72-2-206, (Renumbered from 27-18-107, as enacted by Chapter 244, Laws of Utah 1997)

72-3-102, (Renumbered from 27-12-21, as last amended by Chapter 137, Laws of Utah 1991)

72-3-103, (Renumbered from 27-12-22, as last amended by Chapter 120, Laws of Utah 1994)

72-3-104, (Renumbered from 27-12-23, as last amended by Chapter 120, Laws of Utah 1994)

72-3-105, (Renumbered from 27-15-3, as last amended by Chapter 2, Laws of Utah 1978,

Second

Special Session)

72-3-106, (Renumbered from 27-12-24, as last amended by Chapter 227, Laws of Utah 1993)

72-3-107, (Renumbered from 27-12-26, as last amended by Chapter 227, Laws of Utah 1993)

72-3-109, (Renumbered from 27-12-88, as last amended by Chapter 120, Laws of Utah 1994)

72-3-110, (Renumbered from 27-12-15, as last amended by Chapter 137, Laws of Utah 1991)

72-3-111, (Renumbered from 27-12-17, as last amended by Chapter 137, Laws of Utah 1991)

72-3-112, (Renumbered from 27-12-117, as last amended by Chapter 276, Laws of Utah 1997)

72-3-201, (Renumbered from 27-12-23.5, as enacted by Chapter 247, Laws of Utah 1993)

72-3-202, (Renumbered from 27-12-23.6, as enacted by Chapter 247, Laws of Utah 1993)

72-3-203, (Renumbered from 27-12-23.7, as enacted by Chapter 247, Laws of Utah 1993)

- 72-3-204**, (Renumbered from 27-12-23.8, as last amended by Chapter 11, Laws of Utah 1994)
- 72-3-205**, (Renumbered from 27-12-23.9, as last amended by Chapter 225, Laws of Utah 1997)
- 72-3-206**, (Renumbered from 27-12-23.10, as last amended by Chapter 225, Laws of Utah 1997)
- 72-3-207**, (Renumbered from 27-12-23.11, as enacted by Chapter 226, Laws of Utah 1996)
- 72-4-102**, (Renumbered from 27-12-27, as last amended by Chapter 20, Laws of Utah 1995)
- 72-4-103**, (Renumbered from 27-12-28, as last amended by Chapter 120, Laws of Utah 1994)
- 72-4-104**, (Renumbered from 27-12-29, as last amended by Chapter 120, Laws of Utah 1994)
- 72-4-105**, (Renumbered from 27-12-30, as last amended by Chapter 137, Laws of Utah 1991)
- 72-4-106**, (Renumbered from 27-12-31.1, as last amended by Chapter 32, Laws of Utah 1996)
- 72-4-107**, (Renumbered from 27-12-32.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-108**, (Renumbered from 27-12-33.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-109**, (Renumbered from 27-12-34.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-110**, (Renumbered from 27-12-35.1, as last amended by Chapter 18, Laws of Utah 1988)
- 72-4-111**, (Renumbered from 27-12-36.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-112**, (Renumbered from 27-12-37.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-113**, (Renumbered from 27-12-38.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-114**, (Renumbered from 27-12-39.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-115**, (Renumbered from 27-12-40.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-116**, (Renumbered from 27-12-41.1, as last amended by Chapter 5, Laws of Utah 1997)
- 72-4-117**, (Renumbered from 27-12-42.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-118**, (Renumbered from 27-12-43.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-119**, (Renumbered from 27-12-44.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-120**, (Renumbered from 27-12-45.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-121**, (Renumbered from 27-12-46.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-122**, (Renumbered from 27-12-47.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-123**, (Renumbered from 27-12-48.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-124**, (Renumbered from 27-12-49.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-125**, (Renumbered from 27-12-50.1, as last amended by Chapter 32, Laws of Utah 1996)

- 72-4-126**, (Renumbered from 27-12-51.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-127**, (Renumbered from 27-12-52.1, as last amended by Chapter 32, Laws of Utah 1996)
- 72-4-128**, (Renumbered from 27-12-53.1, as last amended by Chapter 32, Laws of Utah 1996)
- 72-4-129**, (Renumbered from 27-12-54.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-130**, (Renumbered from 27-12-55.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-131**, (Renumbered from 27-12-56.1, as last amended by Chapter 18, Laws of Utah 1995)
- 72-4-132**, (Renumbered from 27-12-57.1, as last amended by Chapter 51, Laws of Utah 1986)
- 72-4-133**, (Renumbered from 27-12-58.1, as last amended by Chapter 51, Laws of Utah 1986)
- 72-4-134**, (Renumbered from 27-12-59.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-135**, (Renumbered from 27-12-60.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-136**, (Renumbered from 27-12-61.1, as last amended by Chapter 26, Laws of Utah 1992)
- 72-4-137**, (Renumbered from 27-12-62.1, as last amended by Chapter 11, Laws of Utah 1994)
- 72-4-201**, (Renumbered from 27-12-160, as last amended by Chapter 137, Laws of Utah 1991)
- 72-4-202**, (Renumbered from 27-12-161, as last amended by Chapter 41, Laws of Utah 1997)
- 72-4-203**, (Renumbered from 27-12-162, as enacted by Chapter 121, Laws of Utah 1997)
- 72-5-102**, (Renumbered from 27-12-96, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-103**, (Renumbered from 27-12-101, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-104**, (Renumbered from 27-12-89, as enacted by Chapter 39, Laws of Utah 1963)
- 72-5-105**, (Renumbered from 27-12-90, as enacted by Chapter 39, Laws of Utah 1963)
- 72-5-106**, (Renumbered from 27-12-91, as enacted by Chapter 39, Laws of Utah 1963)
- 72-5-107**, (Renumbered from 27-12-92, as last amended by Chapters 12 and 146, Laws of Utah 1994)
- 72-5-108**, (Renumbered from 27-12-93, as enacted by Chapter 39, Laws of Utah 1963)
- 72-5-109**, (Renumbered from 27-12-94, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-110**, (Renumbered from 27-12-95, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-111**, (Renumbered from 27-12-97, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-112**, (Renumbered from 27-12-98, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-113**, (Renumbered from 27-12-99, as last amended by Chapter 137, Laws of Utah 1991)

- 72-5-114**, (Renumbered from 27-12-100, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-115**, (Renumbered from 27-12-103, as last amended by Chapter 137, Laws of Utah 1991)
- 72-5-201**, (Renumbered from 27-12-103.2, as enacted by Chapter 289, Laws of Utah 1992)
- 72-5-202**, (Renumbered from 27-12-103.3, as last amended by Chapter 294, Laws of Utah 1994)
- 72-5-203**, (Renumbered from 27-12-103.4, as last amended by Chapters 103 and 159, Laws of Utah 1996)
- 72-5-301**, (Renumbered from 27-16-102, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session)
- 72-5-302**, (Renumbered from 27-16-103, as last amended by Chapter 120, Laws of Utah 1994)
- 72-5-303**, (Renumbered from 27-16-104, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session)
- 72-5-304**, (Renumbered from 27-16-105, as last amended by Chapter 20, Laws of Utah 1995)
- 72-5-305**, (Renumbered from 27-16-106, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session)
- 72-5-306**, (Renumbered from 27-16-107, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session)
- 72-6-102**, (Renumbered from 27-12-104, as last amended by Chapter 137, Laws of Utah 1991)
- 72-6-103**, (Renumbered from 27-12-105, as last amended by Chapter 137, Laws of Utah 1991)
- 72-6-104**, (Renumbered from 27-12-106, as enacted by Chapter 39, Laws of Utah 1963)
- 72-6-105**, (Renumbered from 27-12-107, as last amended by Chapter 137, Laws of Utah 1991)
- 72-6-106**, (Renumbered from 27-12-107.5, as enacted by Chapter 263, Laws of Utah 1992)
- 72-6-107**, (Renumbered from 27-12-108, as last amended by Chapter 137, Laws of Utah 1991)
- 72-6-108**, (Renumbered from 27-12-108.1, as last amended by Chapter 227, Laws of Utah 1993)
- 72-6-109**, (Renumbered from 27-12-108.2, as last amended by Chapter 80, Laws of Utah 1994)
- 72-6-110**, (Renumbered from 27-12-108.3, as last amended by Chapter 80, Laws of Utah 1994)
- 72-6-111**, (Renumbered from 27-12-109, as last amended by Chapter 246, Laws of Utah 1996)
- 72-6-112**, (Renumbered from 27-12-109.5, as enacted by Chapter 43, Laws of Utah 1996)
- 72-6-113**, (Renumbered from 27-12-109.1, as last amended by Chapter 137, Laws of Utah 1991)

- 72-6-114**, (Renumbered from 27-12-110, as enacted by Chapter 39, Laws of Utah 1963)
- 72-6-115**, (Renumbered from 63-49-8.5, as last amended by Chapter 243, Laws of Utah 1996)
- 72-6-116**, (Renumbered from 27-12-11, as last amended by Chapter 120, Laws of Utah 1994)
- 72-6-118**, (Renumbered from 27-12-132.1, as enacted by Chapter 155, Laws of Utah 1997)
- 72-7-102**, (Renumbered from 27-12-133, as enacted by Chapter 39, Laws of Utah 1963)
- 72-7-103**, (Renumbered from 27-12-134, as enacted by Chapter 39, Laws of Utah 1963)
- 72-7-104**, (Renumbered from 27-12-135, as last amended by Chapter 300, Laws of Utah 1990)
- 72-7-105**, (Renumbered from 27-12-138, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-106**, (Renumbered from 27-12-138.5, as last amended by Chapter 227, Laws of Utah 1993)
- 72-7-201**, (Renumbered from 27-12-137.2, as enacted by Chapter 52, Laws of Utah 1967)
- 72-7-202**, (Renumbered from 27-12-137.3, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-203**, (Renumbered from 27-12-137.4, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-204**, (Renumbered from 27-12-137.5, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-205**, (Renumbered from 27-12-137.6, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-206**, (Renumbered from 27-12-137.7, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-207**, (Renumbered from 27-12-137.9, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-208**, (Renumbered from 27-12-137.10, as last amended by Chapter 137, Laws of Utah 1991)
- 72-7-209**, (Renumbered from 27-12-137.11, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-210**, (Renumbered from 27-12-137.12, as enacted by Chapter 52, Laws of Utah 1967)
- 72-7-211**, (Renumbered from 27-12-137.13, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-301**, (Renumbered from 27-12-144, as last amended by Chapter 38, Laws of Utah 1995)
- 72-7-302**, (Renumbered from 27-12-143, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-303**, (Renumbered from 27-12-141, as enacted by Chapter 39, Laws of Utah 1963)

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72-7-304, (Renumbered from 27-12-142, as enacted by Chapter 39, Laws of Utah 1963)

72-7-305, (Renumbered from 27-12-139, as enacted by Chapter 39, Laws of Utah 1963)

72-7-306, (Renumbered from 27-12-140, as enacted by Chapter 39, Laws of Utah 1963)

72-7-401, (Renumbered from 27-12-148, as last amended by Chapter 38, Laws of Utah 1995)

72-7-402, (Renumbered from 27-12-149, as last amended by Chapter 195, Laws of Utah 1994)

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- 72-7-403**, (Renumbered from 27-12-150, as last amended by Chapter 88, Laws of Utah 1990)
- 72-7-404**, (Renumbered from 27-12-151, as last amended by Chapter 57, Laws of Utah 1991)
- 72-7-405**, (Renumbered from 27-12-153, as last amended by Chapter 7, Laws of Utah 1994)
- 72-7-406**, (Renumbered from 27-12-154, as last amended by Chapter 38, Laws of Utah 1995)
- 72-7-407**, (Renumbered from 27-12-148.5, as enacted by Chapter 38, Laws of Utah 1995)
- 72-7-408**, (Renumbered from 27-12-145, as last amended by Chapter 88, Laws of Utah 1990)
- 72-7-409**, (Renumbered from 27-12-146, as last amended by Chapter 50, Laws of Utah 1997)
- 72-7-501**, (Renumbered from 27-12-136.2, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-502**, (Renumbered from 27-12-136.3, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-503**, (Renumbered from 27-12-136, as last amended by Chapter 227, Laws of Utah 1993)
- 72-7-504**, (Renumbered from 27-12-136.4, as last amended by Chapter 120, Laws of Utah 1994)
- 72-7-505**, (Renumbered from 27-12-136.5, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-506**, (Renumbered from 27-12-136.6, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-507**, (Renumbered from 27-12-136.7, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-508**, (Renumbered from 27-12-136.9, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-509**, (Renumbered from 27-12-136.10, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-510**, (Renumbered from 27-12-136.11, as last amended by Chapter 263, Laws of Utah 1997)
- 72-7-511**, (Renumbered from 27-12-136.12, as enacted by Chapter 51, Laws of Utah 1967)
- 72-7-512**, (Renumbered from 27-12-136.13, as enacted by Chapter 51, Laws of Utah 1967)
- 72-7-513**, (Renumbered from 27-12-136.14, as enacted by Chapter 263, Laws of Utah 1997)
- 72-7-514**, (Renumbered from 27-12-136.15, as enacted by Chapter 263, Laws of Utah 1997)
- 72-7-515**, (Renumbered from 27-12-136.16, as enacted by Chapter 263, Laws of Utah 1997)
- 72-8-101**, (Renumbered from 27-14-1, as enacted by Chapter 3, Laws of Utah 1975, First

Session)

72-8-102, (Renumbered from 27-14-3, as enacted by Chapter 3, Laws of Utah 1975, First
Special

Session)

72-8-103, (Renumbered from 27-14-4, as enacted by Chapter 3, Laws of Utah 1975, First
Special

Session)

72-8-104, (Renumbered from 27-14-5, as last amended by Chapter 227, Laws of Utah 1993)

72-8-105, (Renumbered from 27-14-6, as enacted by Chapter 3, Laws of Utah 1975, First Special Session)

72-8-106, (Renumbered from 27-14-7, as last amended by Chapter 227, Laws of Utah 1993)

72-8-107, (Renumbered from 27-14-8, as enacted by Chapter 3, Laws of Utah 1975, First Special Session)

72-9-101, (Renumbered from 27-17-101, as enacted by Chapter 170, Laws of Utah 1996)

72-9-102, (Renumbered from 27-17-102, as enacted by Chapter 170, Laws of Utah 1996)

72-9-103, (Renumbered from 27-17-103, as enacted by Chapter 170, Laws of Utah 1996)

72-9-104, (Renumbered from 27-17-104, as enacted by Chapter 170, Laws of Utah 1996)

72-9-105, (Renumbered from 27-17-405, as last amended by Chapter 250, Laws of Utah 1997)

72-9-106, (Renumbered from 63-49-20, as last amended by Chapters 173 and 316, Laws of Utah 1995)

72-9-201, (Renumbered from 27-17-201, as renumbered and amended by Chapter 170 and last amended by Chapters 194 and 243, Laws of Utah 1996)

72-9-301, (Renumbered from 27-17-301, as last amended by Chapter 10, Laws of Utah 1997)

72-9-302, (Renumbered from 27-17-302, as enacted by Chapter 170, Laws of Utah 1996)

72-9-303, (Renumbered from 27-17-303, as enacted by Chapter 170, Laws of Utah 1996)

72-9-401, (Renumbered from 27-17-401, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-402, (Renumbered from 27-17-402, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-403, (Renumbered from 27-17-403, as last amended by Chapter 10, Laws of Utah 1997)

72-9-404, (Renumbered from 27-17-404, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-501, (Renumbered from 27-17-501, as last amended by Chapter 79 and renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-502, (Renumbered from 27-17-502, as last amended by Chapter 79 and renumbered and

amended by Chapter 170, Laws of Utah 1996)

72-9-503, (Renumbered from 27-17-503, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-601, (Renumbered from 27-17-601, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-602, (Renumbered from 27-17-602, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-603, (Renumbered from 27-17-603, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-604, (Renumbered from 27-17-604, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-605, (Renumbered from 27-17-605, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-701, (Renumbered from 27-17-701, as enacted by Chapter 170, Laws of Utah 1996)

72-9-702, (Renumbered from 27-17-702, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-703, (Renumbered from 27-17-704, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-704, (Renumbered from 27-17-705, as renumbered and amended by Chapter 170, Laws of Utah 1996)

72-9-705, (Renumbered from 27-17-706, as enacted by Chapter 170, Laws of Utah 1996)

72-9-706, (Renumbered from 27-17-707, as enacted by Chapter 170, Laws of Utah 1996)

72-10-101, (Renumbered from 2-1-24, Utah Code Annotated 1953)

72-10-102, (Renumbered from 2-1-1, as last amended by Chapter 120, Laws of Utah 1994)

72-10-103, (Renumbered from 2-1-12, as last amended by Chapter 120, Laws of Utah 1994)

72-10-104, (Renumbered from 2-1-2, as last amended by Chapters 194 and 243, Laws of Utah 1996)

72-10-105, (Renumbered from 2-1-13, as last amended by Chapter 161, Laws of Utah 1987)

- 72-10-106**, (Renumbered from 2-1-14, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-107**, (Renumbered from 2-1-15, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-108**, (Renumbered from 2-1-15.5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-109**, (Renumbered from 2-1-6, as last amended by Chapter 199, Laws of Utah 1969)
- 72-10-110**, (Renumbered from 2-1-7, as last amended by Chapter 77, Laws of Utah 1986)
- 72-10-111**, (Renumbered from 2-1-7.5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-112**, (Renumbered from 2-1-7.6, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-113**, (Renumbered from 2-1-7.7, as last amended by Chapter 1, Laws of Utah 1992)
- 72-10-114**, (Renumbered from 2-1-8, as last amended by Chapter 1, Laws of Utah 1983)
- 72-10-115**, (Renumbered from 2-1-9, as last amended by Chapter 1, Laws of Utah 1983)
- 72-10-116**, (Renumbered from 2-1-11, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-117**, (Renumbered from 2-1-16, as last amended by Chapters 120 and 313, Laws of Utah 1994)
- 72-10-118**, (Renumbered from 2-1-16.5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-119**, (Renumbered from 2-1-17, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-120**, (Renumbered from 2-1-18, as last amended by Chapter 161, Laws of Utah 1987)
- 72-10-121**, (Renumbered from 2-1-21, as last amended by Chapter 178, Laws of Utah 1986)
- 72-10-122**, (Renumbered from 2-1-22, Utah Code Annotated 1953)
- 72-10-123**, (Renumbered from 2-1-23, Utah Code Annotated 1953)
- 72-10-124**, (Renumbered from 2-1-25, Utah Code Annotated 1953)
- 72-10-125**, (Renumbered from 2-1-26, as last amended by Chapter 1, Laws of Utah 1983)
- 72-10-126**, (Renumbered from 2-1-27, as last amended by Chapter 1, Laws of Utah 1983)
- 72-10-127**, (Renumbered from 2-1-28, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-128**, (Renumbered from 2-1-30, as last amended by Chapter 2, Laws of Utah 1953)
- 72-10-129**, (Renumbered from 2-1-31, Utah Code Annotated 1953)
- 72-10-130**, (Renumbered from 2-1-39, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-131**, (Renumbered from 2-1-40, as last amended by Chapter 1, Laws of Utah 1983)
- 72-10-132**, (Renumbered from 2-1-41, as enacted by Chapter 2, Laws of Utah 1971)

- 72-10-201**, (Renumbered from 2-2-1, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-202**, (Renumbered from 2-2-2, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-203**, (Renumbered from 2-2-3, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-204**, (Renumbered from 2-2-4, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-205**, (Renumbered from 2-2-5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-206**, (Renumbered from 2-2-6, Utah Code Annotated 1953)
- 72-10-207**, (Renumbered from 2-2-7, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-208**, (Renumbered from 2-2-8, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-209**, (Renumbered from 2-2-9, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-210**, (Renumbered from 2-2-10, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-211**, (Renumbered from 2-2-11, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-212**, (Renumbered from 2-2-12, Utah Code Annotated 1953)
- 72-10-213**, (Renumbered from 2-2-13, Utah Code Annotated 1953)
- 72-10-214**, (Renumbered from 2-2-14, Utah Code Annotated 1953)
- 72-10-301**, (Renumbered from 2-3-1, as last amended by Chapter 9, Laws of Utah 1975, First Special Session)
- 72-10-302**, (Renumbered from 2-3-2, as last amended by Chapter 1, Laws of Utah 1973)
- 72-10-303**, (Renumbered from 2-3-3, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-304**, (Renumbered from 2-3-5, as last amended by Chapter 120, Laws of Utah 1994)
- 72-10-305**, (Renumbered from 2-3-6, Utah Code Annotated 1953)
- 72-10-306**, (Renumbered from 2-3-7, Utah Code Annotated 1953)
- 72-10-307**, (Renumbered from 2-3-8, Utah Code Annotated 1953)
- 72-10-308**, (Renumbered from 2-3-9, Utah Code Annotated 1953)
- 72-10-309**, (Renumbered from 2-3-10, Utah Code Annotated 1953)
- 72-10-401**, (Renumbered from 2-4-1, Utah Code Annotated 1953)
- 72-10-402**, (Renumbered from 2-4-2, Utah Code Annotated 1953)
- 72-10-403**, (Renumbered from 2-4-3, Utah Code Annotated 1953)
- 72-10-404**, (Renumbered from 2-4-4, Utah Code Annotated 1953)

72-10-405, (Renumbered from 2-4-5, Utah Code Annotated 1953)
72-10-406, (Renumbered from 2-4-6, Utah Code Annotated 1953)
72-10-407, (Renumbered from 2-4-7, Utah Code Annotated 1953)
72-10-408, (Renumbered from 2-4-8, Utah Code Annotated 1953)
72-10-409, (Renumbered from 2-4-9, Utah Code Annotated 1953)
72-10-410, (Renumbered from 2-4-10, Utah Code Annotated 1953)
72-10-411, (Renumbered from 2-4-11, Utah Code Annotated 1953)
72-10-412, (Renumbered from 2-4-12, Utah Code Annotated 1953)
72-10-413, (Renumbered from 2-4-13, Utah Code Annotated 1953)
72-10-414, (Renumbered from 2-4-16, as enacted by Chapter 231, Laws of Utah 1988)
72-10-415, (Renumbered from 2-4-14, Utah Code Annotated 1953)
72-10-501, (Renumbered from 2-6-101, as enacted by Chapter 84, Laws of Utah 1993)
72-10-502, (Renumbered from 2-6-102, as last amended by Chapter 79, Laws of Utah 1996)
72-10-503, (Renumbered from 2-6-103, as enacted by Chapter 84, Laws of Utah 1993)
72-10-504, (Renumbered from 2-6-104, as enacted by Chapter 84, Laws of Utah 1993)
72-11-103, (Renumbered from 63-11-22, as last amended by Chapter 9, Laws of Utah 1975,
First

Special Session)

72-11-104, (Renumbered from 63-11-23, as last amended by Chapter 320, Laws of Utah 1983)
72-11-105, (Renumbered from 63-11-24, as last amended by Chapter 9, Laws of Utah 1975,
First

Special Session)

72-11-106, (Renumbered from 63-11-25, as last amended by Chapter 320, Laws of Utah 1983)
72-11-107, (Renumbered from 63-11-26, as last amended by Chapter 320, Laws of Utah 1983)
72-11-108, (Renumbered from 63-11-27, as last amended by Chapter 9, Laws of Utah 1975,
First

Special Session)

72-11-109, (Renumbered from 63-11-28, as last amended by Chapter 9, Laws of Utah 1975,
First

Special Session)

72-11-110, (Renumbered from 63-11-29, as last amended by Chapter 61, Laws of Utah 1984)
72-11-111, (Renumbered from 63-11-30, as last amended by Chapter 320, Laws of Utah 1983)

72-11-112, (Renumbered from 63-11-31, as last amended by Chapter 9, Laws of Utah 1975,
First

Special Session)

72-11-113, (Renumbered from 63-11-32, as last amended by Chapter 320, Laws of Utah 1983)

72-12-102, (Renumbered from 54-11-1, as last amended by Chapter 127, Laws of Utah 1991)

72-12-103, (Renumbered from 54-11-2, as last amended by Chapter 127, Laws of Utah 1991)

72-12-104, (Renumbered from 54-11-4, as last amended by Chapter 170, Laws of Utah 1996)

72-12-105, (Renumbered from 54-11-5, as last amended by Chapter 375, Laws of Utah 1997)

72-12-106, (Renumbered from 54-11-6, as enacted by Chapter 273, Laws of Utah 1981)

72-12-107, (Renumbered from 54-11-7, as last amended by Chapter 92, Laws of Utah 1987)

72-12-108, (Renumbered from 54-11-8, as enacted by Chapter 273, Laws of Utah 1981)

72-12-109, (Renumbered from 54-11-9, as enacted by Chapter 273, Laws of Utah 1981)

72-12-110, (Renumbered from 54-11-10, as last amended by Chapter 234, Laws of Utah 1993)

REPEALS:

2-2-15, Utah Code Annotated 1953

2-3-11, Utah Code Annotated 1953

2-4-15, Utah Code Annotated 1953

27-12-7, as last amended by Chapter 137, Laws of Utah 1991

27-12-9, as last amended by Chapter 137, Laws of Utah 1991

27-12-25, as last amended by Chapter 227, Laws of Utah 1993

27-12-86, as last amended by Chapter 137, Laws of Utah 1991

27-12-87, as last amended by Chapter 137, Laws of Utah 1991

27-12-102.1, as last amended by Chapter 227, Laws of Utah 1993

27-12-102.2, as last amended by Chapter 227, Laws of Utah 1993

27-12-102.3, as last amended by Chapter 227, Laws of Utah 1993

27-12-102.4, as last amended by Chapter 227, Laws of Utah 1993

27-12-102.5, as last amended by Chapter 227, Laws of Utah 1993

27-12-109.2, as last amended by Chapter 137, Laws of Utah 1991

27-12-109.3, as last amended by Chapter 137, Laws of Utah 1991

- 27-12-111, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-112, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-113, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-114, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-115, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-116, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-118, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-119, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-120, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-124, as enacted by Chapter 39, Laws of Utah 1963
- 27-12-136.1, as enacted by Chapter 51, Laws of Utah 1967
- 27-12-137, as last amended by Chapter 120, Laws of Utah 1994
- 27-12-137.1, as enacted by Chapter 52, Laws of Utah 1967
- 27-14-2, as enacted by Chapter 3, Laws of Utah 1975, First Special Session
- 27-15-1, as enacted by Chapter 9, Laws of Utah 1978
- 27-15-2, as enacted by Chapter 9, Laws of Utah 1978
- 27-16-101, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session
- 27-17-703, as renumbered and amended by Chapter 170, Laws of Utah 1996
- 27-18-101, as enacted by Chapter 244, Laws of Utah 1997
- 63-49-2, as last amended by Chapters 12 and 120, Laws of Utah 1994
- 63-49-17, as enacted by Chapter 271, Laws of Utah 1977

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

Section 1. Section **10-7-20** is amended to read:

10-7-20. Definition -- Necessity for contract -- Call for bids -- Acceptance or rejection -- Retainage escrow.

(1) As used in this section, the term "lowest responsible bidder" means any prime contractor who:

(a) has bid in compliance with the invitation to bid and within the requirements of the plans

and specifications for a construction project;

(b) is the low bidder;

(c) has furnished a bid bond or equivalent in money as a condition to the award of a prime contract; and

(d) furnishes a payment and performance bond as required by law.

(2) (a) Whenever the board of commissioners or city council of any city or the board of trustees of any town contemplates making any new improvement to be paid for out of the general funds of the city or town, the governing body shall cause plans and specifications for, and an estimate of the cost of, the improvement to be made.

(b) If the estimated cost of the improvement is less than \$25,000, the city or town may make the improvement without calling for bids for making the same.

(c) (i) If the estimated cost of the proposed improvement exceeds \$25,000, the city or town shall, if it determines to make the improvement, do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper published or of general circulation in that city or town at least five days prior to the opening of bids.

(ii) If there is no newspaper published or of general circulation in the city or town, the notice shall be posted at least five days prior to the opening of bids in at least five public places in the city or town. The notice shall remain posted for at least three days.

(d) If the cost of a contemplated improvement exceeds the sum of \$25,000, the same shall not be so divided as to permit the making of such improvement in several parts, except by contract.

(e) (i) The governing body has the right to reject any or all bids presented, and all notices calling for bids shall so state.

(ii) If all bids are rejected and the governing body decides to make the improvement, it shall advertise anew in the same manner as before.

(iii) If after twice advertising as provided in this section, no bid is received that is satisfactory, the governing body may proceed under its own direction to make the improvement.

(3) (a) If any payment on a contract with a private person, firm, or corporation is retained or withheld, it shall be placed in an interest-bearing account and the interest shall accrue for the

benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the board of commissioners or city council of the city, or the board of trustees of the town.

(b) It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis.

(4) (a) Cities and towns are not required to call for bids or let contracts for the conduct or management of any of the departments, business, or property of the city or town, for lowering or repairing water mains or sewers, making connections with water mains or sewers, or for grading, repairing, or maintaining streets, sidewalks, bridges, culverts, or conduits in any city or town.

(b) Work excluded under this Subsection (4) shall comply with Section [~~27-12-108.1~~] 72-6-108 as applicable.

Section 2. Section **10-9-404** is amended to read:

10-9-404. Temporary regulations.

(1) (a) A municipal legislative body may, without a public hearing, enact an ordinance establishing a temporary zoning regulation for any part or all of the area within the municipality if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; or
- (ii) the area is unzoned.

(b) A temporary zoning regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

(c) A temporary zoning regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3) (a) A municipal legislative body may, without a public hearing, enact an ordinance establishing a temporary zoning regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A zoning regulation under Subsection (3)(a):

(i) may not exceed six months in duration;

(ii) may be renewed, if requested by the Utah Transportation Commission created under Section ~~[63-49-10]~~ 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous zoning regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Section 3. Section **11-14-17.5** is amended to read:

11-14-17.5. Revenue bonds payable out of excise tax revenues -- Class B and C road funds.

(1) To the extent constitutionally permissible, cities, towns, or counties may issue bonds payable solely from a special fund into which are to be deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, or may pledge all or any part thereof as an additional source of payment for their general obligation bonds. For purposes of this section, excise tax revenues include class B and class C road funds apportioned to counties, cities, and towns under Section ~~[27-12-129]~~ 72-2-108.

(2) Any resolution authorizing the issuance of bonds payable in whole or in part from the proceeds of excise tax revenues may contain covenants with the holder or holders of the bonds as to the excise tax revenues, the disposition of the excise tax revenues, the issuance of future bonds, and other pertinent matters as may be deemed necessary by the governing body to assure the marketability of those bonds, provided the covenants are not inconsistent with the provisions of this chapter. Such resolution may also include provisions to insure the enforcement, collection, and proper application of excise tax revenues as the governing body may think proper. The proceeds of bonds payable in whole or in part from pledged class B or C road funds shall be used to construct, repair, and maintain streets and roads in accordance with Sections ~~[27-12-108.1]~~ 72-6-108 and ~~[27-12-108.3]~~ 72-6-110 and to fund any reserves and costs incidental to the issuance of the bonds. When any bonds payable from excise tax revenues have been issued, the resolution or other enactment of the governing body imposing the excise tax and pursuant to which the tax is being

collected, the obligation of the governing body to continue to levy, collect, and allocate the excise tax, and to apply the revenues derived therefrom in accordance with the provisions of the authorizing resolution or other enactment, shall be irrevocable until the bonds have been paid in full as to both principal and interest, and is not subject to amendment in any manner which would impair the rights of the holders of those bonds or which would in any way jeopardize the timely payment of principal or interest when due.

(3) The state pledges to and agrees with the holders of any bonds issued by a city, town, or county to which the proceeds of excise taxes collected by the state and rebated to the city, town, or county are devoted or pledged as authorized in this section, that the state will not alter, impair, or limit the excise taxes in a manner that reduces the amounts to be rebated to the city, town, or county which are devoted or pledged as authorized in this section until the bonds or other securities, together with applicable interest, are fully met and discharged. Nothing in this section may preclude such alteration, impairment, or limitation if adequate provision is made by law for the protection of the holders of the bonds. Each city, town, or county may include this pledge and undertaking for the state in those bonds.

(4) The outstanding bonds to which excise tax revenues have been pledged as the sole source of payment may not at any one time exceed an amount for which the average annual installments of principal and interest will exceed 80% of the total excise tax revenues received by the issuing entity from the collection or rebate of the excise tax revenues during the fiscal year of the issuing entity immediately preceding the fiscal year in which the resolution authorizing the issuance of bonds is adopted.

(5) Bonds issued solely from a special fund into which are to be deposited excise tax revenues constitutes a borrowing solely upon the credit of the excise tax revenues received or to be received by the city, town, or county and does not constitute an indebtedness or pledge of the general credit of the city, town, or county. To the extent constitutionally permissible, such bonds are not subject to the limitations of Article XIV, Utah Constitution nor to any statutory provisions implementing that article.

Section 4. Section **17-27-404** is amended to read:

17-27-404. Temporary regulations.

(1) (a) A county legislative body may, without a public hearing, enact an ordinance establishing a temporary zoning regulation for any part or all of the area within the county if:

- (i) the legislative body makes a finding of compelling, countervailing public interest; or
- (ii) the area is unzoned.

(b) A temporary zoning regulation under Subsection (1)(a) may prohibit, restrict, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

(c) A temporary zoning regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The county legislative body shall establish a period of limited effect for the temporary ordinance not to exceed six months.

(3) (a) A county legislative body may, without a public hearing, enact an ordinance establishing a temporary zoning regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A zoning regulation under Subsection (3)(a):

- (i) may not exceed six months in duration;
- (ii) may be renewed, if requested by the Utah Transportation Commission created under Section ~~[63-49-10]~~ 72-1-301, for up to two additional six-month periods by ordinance enacted before the expiration of the previous zoning regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Section 5. Section **17A-3-208** is amended to read:

17A-3-208. Contract required for improvement -- Bidding requirements -- Exceptions.

(1) Except as otherwise provided in this section, improvements in a special improvement district shall be made only under contract duly let to the lowest responsible bidder for the kind of service or material or form of construction which may be desired. The improvements may be

divided into parts, and separate contracts let for each part, or several parts may be combined in the same contract. A contract may be let on a unit basis. A contract shall not be let until a notice to contractors that sealed bids for the construction of the improvements will be received by the governing body at a specified time and place, and this notice has been published at least one time in a newspaper having general circulation in the county at least 15 days before the date specified for the receipt of bids. If by inadvertence or oversight, the notice is not published or is not published for a sufficient period of time prior to the receipt of bids, the governing body, however, may still proceed to let a contract for the improvements if at the time specified for the receipt of bids it has received not less than three sealed and bona fide bids from contractors. If, under the construction contract, periodic payments for work performed are to be made by the issuance of interim warrants, this fact shall be disclosed in the notice to contractors. The notice to contractors may be published simultaneously with the notice of intention.

(2) The governing body, or its designated agent, shall at the time specified in the notice, open, examine, and publicly declare the bids. From these bids, the governing body may award a contract to the lowest, responsible bidder if that party's bid is responsive to the request for proposal or invitation to bid; but the governing body shall not be obligated or required to award a contract to any bidder and may reject any or all bids. In the event no bids are received or no responsive or acceptable bids are received after one public invitation to bid, the governing body may take any of the following actions:

(a) publicly re-bid the project using the original plans, specifications, cost estimates, and contract documents;

(b) negotiate a contract privately using the original project plans, specifications, cost estimates, and contract documents;

(c) publicly re-bid the project after revising the original plans, specifications, cost estimates, or contract documents;

(d) cancel the project;

(e) abandon or dissolve the improvement district; or

(f) perform the project work with the governing entity's work forces and be reimbursed for

this work out of the special assessments levied.

(3) A contract need not be let for any improvement or part of any improvement the cost of which or the making of which is donated or contributed by any individual, corporation, the county, a municipality, the state of Utah, the United States, or any political subdivision of the state of Utah or of the United States. These donations or contributions may be accepted by the governing entity, but no assessments shall be levied against the property in the district for the amount of the donations or contributions.

(4) A contract need not be let as provided in this section where the improvements consist of the furnishing of utility services or maintenance of improvements. This work may be done by the governing entity itself. Assessments may be levied for the actual cost incurred by the governing entity for the furnishing of these services or maintenance, or in case the work is done by the governing entity, to reimburse the governing entity for the reasonable cost of supplying the services or maintenance.

(5) A contract need not be let as provided in this section where any labor, materials, or equipment to make any of the improvements are supplied by the governing entity. Assessments may be levied to reimburse the governing entity for the reasonable cost of supplying such labor, materials or equipment. The provisions of Sections 17-15-3 and [~~27-12-108.1~~] 72-6-108 shall not apply to the improvements to be placed in a special improvement district created under this part.

Section 6. Section **31A-22-1300** is amended to read:

31A-22-1300. Aircraft liability insurance.

Subsections [~~2-1-16.5~~] 72-10-118(5) and (6) apply to aircraft liability insurance.

Section 7. Section **31A-22-1302** is amended to read:

31A-22-1302. Insurance requirements for vehicles of unusual physical nature.

Section [~~27-17-103~~] 72-9-103 applies to the insurance requirements for vehicles of an unusual physical nature.

Section 8. Section **31A-22-1303** is amended to read:

31A-22-1303. Liability insurance for motor carriers.

Motor carrier safety regulations adopted under Section [~~27-17-103~~] 72-9-103 specify liability

insurance for motor carriers.

Section 9. Section **32A-9-106** is amended to read:

32A-9-106. Operational restrictions.

Each person granted a warehousing license and the employees and management of the licensee shall abide by the following conditions and requirements. Failure to comply may result in a suspension or revocation of the license, or other disciplinary action taken against individual employees or management personnel:

(1) All liquor warehoused in this state and sold to out-of-state consignees, shall be transported out of the state only by a motor carrier regulated under Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

(2) All liquor warehoused in this state and sold to the department shall be transported by motor carriers approved by the department.

(3) All liquor transported to or from the licensee's premises shall be carried in sealed conveyances that are made available for inspection by the department while en route within the state.

(4) A licensee may not ship, convey, distribute, or remove liquor from any warehouse in less than full case lots.

(5) A licensee may not ship, convey, distribute, or remove any liquor from a warehouse to any consignee outside the state that is not licensed as a liquor wholesaler or retailer by the state in which the consignee is domiciled.

(6) A licensee may not receive, warehouse, ship, distribute, or convey any liquor that the commission has not authorized the licensee to handle through its warehouse.

(7) Each licensee shall maintain accounting and other records and documents as the department may require. Any licensee or person acting for the licensee, who knowingly forges, falsifies, alters, cancels, destroys, conceals, or removes the entries in any of the books of account or other documents of the licensee required to be made, maintained, or preserved by this title or the rules of the commission for the purpose of deceiving the commission, council, or department, or any of their officials or employees, is subject to the immediate suspension or revocation of the license and possible criminal prosecution under Chapter 12.

(8) There shall be no transfer of a liquor warehousing license from one location to another, without prior written approval of the commission.

Section 10. Section **41-1a-109** is amended to read:

41-1a-109. Grounds for division refusing registration or certificate of title.

(1) The division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

- (a) the application contains any false or fraudulent statement;
- (b) the applicant has failed to furnish required information or reasonable additional information requested by the division;
- (c) the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
- (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- (e) the registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state; or
- (f) the required fee has not been paid.

(2) The division shall also refuse registration or any transfer of registration if the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

(3) The division shall refuse registration or any transfer of registration of a vehicle upon notification by the Department of Transportation that the vehicle or owner is not in compliance with Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

Section 11. 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 (2) and (3) 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 [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

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

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

Section 12. Section **41-1a-1101** is amended to read:

41-1a-1101. Seizure -- Circumstances where permitted.

(1) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

(a) that the division or the peace officer has reason to believe has been stolen;

(b) on which any identification number has been defaced, altered, or obliterated;

(c) that has been abandoned on the public highways;

(d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;

(e) that is placed on the water with improper registration; or

(f) that is being operated on a highway:

- (i) with registration that has been expired for more than three months;
- (ii) having never been properly registered by the current owner; or
- (iii) with registration that is suspended or revoked.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall immediately notify the division of the action.

(4) A vehicle or vessel seized under this section shall be moved by a peace officer or by a tow truck that meets the standards established:

- (a) by the Department of Public Safety under Subsection 41-6-102(4)(b); and
- (b) under Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

(5) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, setting standards for impound yards that may be used by peace officers and the division.

(b) The impound yard standards shall be equitable, reasonable, and unrestrictive as to the number of impound yards per geographical area.

Section 13. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (4), and (6), and Subsection 41-1a-408(8), all fees collected under this part shall be deposited in the Transportation Fund.

(3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (7)(a), and (8) and Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(b) Funds collected under Subsections 41-1a-1211(3), (5)(b), and (5)(c), less the actual cost incurred by the division in purchasing decals for special group license plates, shall be deposited in the Transportation Fund.

(c) Fees for statehood centennial license plates shall be collected and deposited in the Transportation Fund, less production and administrative costs incurred by the commission.

(d) Fees for Olympic special group license plates shall be collected and deposited as provided under Section 41-1a-417.

(4) All funds available to the commission for purchase and distribution of license plates and decals are nonlapsing.

(5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(6) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Centennial Highway Trust Fund created under Section ~~[63-49-22]~~ 72-2-118:

(a) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2), and (5);

(b) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i), (1)(c)(ii), and (1)(d)(ii);

(c) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(d) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

(e) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

Section 14. Section **41-6-17** is amended to read:

41-6-17. Regulatory powers of local authorities -- Traffic-control device affecting state highway -- Necessity of erecting traffic-control devices.

(1) The provisions of this chapter do not prevent local authorities, with respect to highways under their jurisdiction and within the reasonable exercise of police power, from:

(a) regulating or prohibiting stopping, standing, or parking;

(b) regulating traffic by means of peace officers or official traffic-control devices;

(c) regulating or prohibiting processions or assemblages on the highways;

(d) designating particular highways or roadways for use by traffic moving in one direction

under Section 41-6-60;

(e) establishing speed limits for vehicles in public parks, which supersede Section 41-6-48 regarding speed limits;

(f) designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;

(g) restricting the use of highways under Section [~~27-12-145~~] 72-7-408;

(h) regulating the operation of bicycles and requiring the registration and inspection of them, including requiring a registration fee;

(i) regulating or prohibiting the turning of vehicles or specified types of vehicles;

(j) altering or establishing speed limits under Section 41-6-48;

(k) requiring written accident reports under Section 41-6-42;

(l) designating no-passing zones under Section 41-6-59;

(m) prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic under Section 41-6-65;

(n) prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

(o) establishing minimum speed limits under Subsection 41-6-49(3);

(p) designating and regulating traffic on play streets;

(q) prohibiting pedestrians from crossing a highway in a business district or any designated highway except in a crosswalk under Section 41-6-77;

(r) restricting pedestrian crossings at unmarked crosswalks under Section 41-6-82.10;

(s) regulating persons propelling push carts;

(t) regulating persons upon skates, coasters, sleds, skateboards, and other toy vehicles;

(u) adopting and enforcing temporary or experimental ordinances as necessary to cover emergencies or special conditions;

(v) prohibiting drivers of ambulances from exceeding maximum speed limits;

(w) adopting other traffic ordinances as specifically authorized by this chapter.

(2) A local authority may not erect or maintain any official traffic-control device at any

location which requires the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Transportation.

(3) An ordinance enacted under Subsection (1) (d), (e), (f), (g), (i), (j), (l), (m), (n), (p), or (r) is not effective until official traffic-control devices giving notice of the local traffic ordinances are erected upon or at the entrances to the highway or part of it affected as is appropriate.

Section 15. Section **41-6-44.30** is amended to read:

41-6-44.30. Seizure and impoundment of vehicles by peace officers -- Impound requirements -- Removal of vehicle by owner.

(1) (a) If a peace officer arrests or cites the operator of a vehicle for violating Section 41-6-44 or 41-6-44.10, or a local ordinance similar to Section 41-6-44 which complies with Subsection 41-6-43(1), the officer shall:

- (i) seize and impound the vehicle, except as provided under Subsection (2); and
- (ii) remove and seize or cause to be removed or seized, the vehicle's license plates and registration materials if the operator is a registered owner of the vehicle.

(b) A vehicle seized and impounded under this section shall be moved by a peace officer or by a tow truck that meets the standards established:

- (i) by the department under Subsection 41-6-102(4)(b); and
- (ii) under Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

(2) If the operator is not a registered owner of the vehicle, and if a registered owner of the vehicle, other than the operator, is present at the time of arrest, the officer may release the vehicle to that registered owner, but only if the registered owner:

- (a) requests to remove the vehicle from the scene;
- (b) presents to the officer a valid operator's license and sufficient identification to prove ownership of the vehicle;

(c) complies with all restrictions of his operator's license; and

(d) would not, in the judgment of the officer, be in violation of Section 41-6-44 or 41-6-44.10, or a local ordinance similar to Section 41-6-44 which complies with Subsection 41-6-43

(1), if permitted to operate the vehicle, and if the vehicle itself is legally operable.

(3) (a) The peace officer or agency by whom the officer is employed shall, within 24 hours after the seizure, notify the Motor Vehicle Division of the seizure and impoundment and within five days forward any license plates and registration materials seized to the Motor Vehicle Division.

(b) The notice shall state:

(i) the operator's name;

(ii) a description of the vehicle;

(iii) its identification number, if any;

(iv) its license number;

(v) the license plates and registration materials that were seized, if any;

(vi) the date, time, and place of impoundment;

(vii) the reason for impoundment; and

(viii) the name of the garage or place where the vehicle is stored.

(4) Upon receipt of notice, the Motor Vehicle Division shall:

(a) revoke the registration for the vehicle and not allow that vehicle to be registered with the operator as a registered owner until allowed under this section; and

(b) give notice to the registered owner of the vehicle in the manner prescribed by Section 41-1a-114. The notice shall:

(i) state the date, time, and place of impoundment, the name of the person operating the vehicle at the time of seizure, if applicable, the reason for seizure and impoundment, and the name of the garage or place where the vehicle is stored;

(ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle;

(iii) inform the registered owner of the vehicle of the conditions under Subsection (5) that must be satisfied before the vehicle is released; and

(iv) state if the license plates and registration materials were seized:

(A) how to get a temporary registration effective for only 29 days;

(B) basic information regarding how to obtain a prompt hearing before the Driver License

Division regarding the person's driver license suspension; and

(C) that an order from that hearing will also apply to the vehicle's registration revocation.

(5) (a) The impounded vehicle shall be released after the registered owner or the owner's agent:

(i) makes a claim in person for release of the vehicle at any office of the State Tax Commission;

(ii) pays an administrative impound fee of \$100;

(iii) presents identification sufficient to prove ownership of the impounded vehicle; and

(iv) pays all towing and storage fees to the impound lot where the vehicle is stored.

(b) \$25 of the impound fees assessed under this subsection are dedicated credits to the Motor Vehicle Division and the remainder shall be deposited in the General Fund.

(6) (a) A registration for the vehicle may not be issued to the person for 120 days from the date of the revocation and until the person applies to the Motor Vehicle Division for a new registration in compliance with the requirements under Title 41, Chapter 1a, Part 2, Registration, including obtaining the inspections and paying the fees required for a new registration.

(b) If the person successfully appeals the suspension of the driver's license under Section 53-3-223 or 53-3-224, then the person shall receive a new registration that shall expire on the same date as the registration that was revoked for no additional fees.

(7) An impounded vehicle not claimed by the registered owner or the owner's agent within the time prescribed by Section 41-1a-1103 shall be sold in accordance with that section and the proceeds, if any, disposed of under Section 41-1a-1103. The date of impoundment is considered the date of seizure for computing the time period provided in Section 41-1a-1103.

(8) The registered owner of the vehicle upon the payment of all fees and charges incurred in the seizure and impoundment of the owner's vehicle has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle whose actions caused the impoundment.

(9) Liability may not be imposed upon any peace officer, the state, or any of its political subdivisions on account of the enforcement of this section.

Section 16. Section **41-6-48** is amended to read:

41-6-48. Speed limits established by counties and municipalities.

(1) A county or municipality may determine the reasonable and safe speed limit for each highway or section of highway under its jurisdiction as specified under Title [27] 72, Chapter [12] 3, Highway [Code] Jurisdiction and Classification. Each speed limit shall be established in accordance with the provisions of Section 41-6-47.

(2) In accordance with Section 41-6-47, the Department of Transportation is responsible for establishing speed limits on state highways whether the highways are within or without the corporate limits of any municipality as specified under [~~Title 27, Chapter 12, Highway Code~~] Section 72-3-109.

Section 17. Section **41-6-102** is amended to read:

41-6-102. Peace officer authorized to move vehicle.

(1) If a peace officer finds a vehicle in violation of Section 41-6-101, the officer may move the vehicle, cause the vehicle to be moved, or require the driver or other person responsible for the vehicle to move the vehicle to a safe position off the highway.

(2) A peace officer may remove or cause to be removed to a place of safety any unattended vehicle left standing upon any highway in violation of this article or in a position or under circumstances that the vehicle obstructs the normal movement of traffic.

(3) A peace officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

- (a) the vehicle has been reported stolen or taken without the consent of its owner;
- (b) the person responsible for the vehicle is unable to provide for its custody or removal; or
- (c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

(4) (a) A peace officer who causes to be removed a vehicle under this section shall have the vehicle removed by a tow truck service that meets standards established:

- (i) by the department under Subsection (b);

(ii) under Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

(b) The department shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, setting the performance standards for towing companies to be used by the department.

Section 18. Section **41-6-114** is amended to read:

41-6-114. Destructive or injurious materials on highways, parks, recreation areas, waterways or other public or private lands -- Throwing lighted material from moving vehicle -- Enforcement officers -- Litter receptacles required.

[(a)] (1) It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of such land in the state of Utah whether under private, state, county, municipal, or federal ownership without the permission of the owner, or person having control or custody of the land.

[(b)] (2) Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land or waterway any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed and deposit the material in a receptacle designed to receive such material.

[(c)] (3) Any person distributing commercial handbills, leaflets or other advertising shall take whatever measures are reasonably necessary to keep such material from littering public or private property or public roadways.

[(d)] (4) Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.

[(e)] (5) It shall be unlawful to throw any lighted material from a moving vehicle.

[(f)] (6) Any person transporting loose cargo by truck, trailer or other motor vehicle shall secure such cargo in such a reasonable manner as will prevent the cargo from littering or spilling on both public and private property or public roadways except as provided in Section [27-12-146] 72-7-409.

[(g)] (7) Any person in charge of a construction or demolition site shall take those steps as are reasonably necessary to prevent the accumulation of litter at the construction or demolition site.

[(h)] (8) Officers of the Division of Wildlife Resources and Parks and Recreation, police officers of incorporated cities and towns, sheriffs and their deputies, deputy state fire wardens, state capitol security officers, and other officers of the state of Utah, within their jurisdiction shall enforce the provisions of this section. Each such officer is empowered to issue citations to any person violating any of the provisions of this section, and may serve and execute all warrants, citations and other process issued by any court in enforcing this section.

[(i)] (9) Each operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lots of industrial firms, marina, boat launching area, boat moorage and fueling station, public and private pier, beach, and bathing area shall maintain sufficient litter receptacles on said premises to accommodate the litter that accumulates there.

[(j)] (10) Cities and towns within their corporate limits and counties outside of incorporated cities and towns shall have power to enact local ordinances to effectuate and carry out each and every provision of this section.

Section 19. Section **41-6-148.20** is amended to read:

41-6-148.20. Child restraint device required -- Violation as infraction -- Dismissal of charge -- Failure not admissible as to negligence.

(1) As used in this section:

(a) "Motor vehicle" means a vehicle defined in Section 41-1a-102; except authorized emergency vehicles defined in Sections 41-6-1 and 41-6-1.5, mopeds, campers, sleepers, motorcycles, motor homes, school buses, taxicabs, vehicles owned, operated, or leased by a public transit district, commercial vehicles as defined in Section [27-17-103] 72-9-102, or vehicles that

weigh over 10,000 pounds gross weight and are not equipped with seat belts by the manufacturer.

(b) "Seating position" means any area within the passenger compartment of a motor vehicle in which the manufacturer has installed seat belts.

(2) A driver transporting a child in a motor vehicle shall:

(a) provide for the protection of a child younger than two years of age by using a child restraint device approved by the commissioner of public safety to restrain the child in the manner prescribed by the manufacturer of the device; and

(b) provide for the protection of a child two years of age up to ten years of age by using an appropriate child restraint device or a safety belt approved by the commissioner of public safety to restrain the child in the manner prescribed by the manufacturer of the device.

(3) Subsection (2) does not apply if all seating positions are occupied by other passengers.

(4) (a) A driver convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$75 per offense.

(b) The court in which a charge is pending for a first violation of this section shall dismiss the action against a driver who, during or before any court appearance on the matter, submits proof of acquisition, rental, or purchase of a child restraint device or safety belt as required by Subsection (2).

(5) Failure to provide and use a child restraint device or safety belt to restrain a child as required under this section may not be considered comparative negligence, nor is the failure to provide and use the restraint device or safety belt admissible as evidence in the trial of a civil action with regard to negligence.

Section 20. Section **53-3-402** is amended to read:

53-3-402. Definitions.

As used in this part:

(1) "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.

(2) "Alcohol concentration" means the number of grams of alcohol per:

(a) 100 milliliters of blood;

(b) 210 liters of breath; or

(c) 67 milliliters of urine.

(3) "Commercial driver instruction permit" or "CDIP" means a permit issued under Section 53-3-408.

(4) "Commercial driver license information system" or "CDLIS" means the information system established under Title XII, Pub. L. 99-570, the Commercial Motor Vehicle Safety Act of 1986, as a clearinghouse for information related to the licensing and identification of commercial motor vehicle drivers.

(5) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the current Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to time.

(6) "Employee" means any driver of a commercial motor vehicle, including:

(a) full-time, regularly employed drivers;

(b) casual, intermittent, or occasional drivers;

(c) leased drivers; and

(d) independent, owner-operator contractors while in the course of driving a commercial motor vehicle who are either directly employed by or under lease to an employer.

(7) "Employer" means any individual or person including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns an individual to drive a commercial motor vehicle.

(8) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term of more than one year.

(9) "Foreign jurisdiction" means any jurisdiction other than the United States or a state of the United States.

(10) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle or GVWR of a combination or articulated vehicle, and includes the GVWR of the power unit plus the total weight of all towed units and the loads on those units.

(11) "Hazardous material" has the same meaning as defined under Section 103, 49 App. U.S.C. 1801 et seq., Hazardous Materials Transportation Act.

(12) "NDR" means the National Driver Register.

(13) "Nonresident CDL" means a commercial driver license issued by a state to an individual who resides in a foreign jurisdiction.

(14) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(15) "Port-of-entry agent" has the same meaning as provided in Section [~~27-12-2~~] 72-1-102.

(16) "Serious traffic violation" means a conviction of any of the following:

(a) speeding 15 or more miles per hour above the posted speed limit;

(b) reckless driving as defined by state or local law;

(c) improper or erratic traffic lane changes;

(d) following the vehicle ahead too closely;

(e) any other motor vehicle traffic law which arises in connection with a fatal traffic accident;

(f) all other violations under Section 53-3-220 for which mandatory suspension or revocation are required.

(17) "State" means a state of the United States, the District of Columbia, any province or territory of Canada, or Mexico.

(18) "United States" means the 50 states and the District of Columbia.

Section 21. Section **59-12-102** is amended to read:

59-12-102. Definitions.

As used in this chapter:

(1) (a) "Admission or user fees" includes season passes.

(b) "Admission or user fees" does not include annual membership dues to private organizations.

(2) "Authorized carrier" means:

(a) in the case of vehicles operated over public highways, the holder of credentials indicating

that the vehicle is or will be operated pursuant to both the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA);

(b) in the case of aircraft, the holder of a Federal Aviation Administration (FAA) operating certificate or air carrier's operating certificate; or

(c) in the case of locomotives, freight cars, railroad work equipment, or other rolling stock, the holder of a certificate issued by the United States Interstate Commerce Commission.

(3) (a) For purposes of Subsection 59-12-104(44), "coin-operated amusement device" means:

(i) a coin-operated amusement, skill, or ride device;

(ii) that is not controlled through vendor-assisted, over-the-counter, sales of tokens; and

(iii) includes a music machine, pinball machine, billiard machine, video game machine, arcade machine, and a mechanical or electronic skill game or ride.

(b) For purposes of Subsection 59-12-104(44), "coin-operated amusement device" does not mean a coin-operated amusement device possessing a coinage mechanism that:

(i) accepts and registers multiple denominations of coins; and

(ii) allows the vendor to collect the sales and use tax at the time an amusement device is activated and operated by a person inserting coins into the device.

(4) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels that does not constitute industrial use under Subsection (10) or residential use under Subsection (17).

(5) (a) "Common carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property for hire within this state.

(b) (i) "Common carrier" does not include a person who, at the time the person is traveling to or from that person's place of employment, transports a passenger to or from the passenger's place of employment.

(ii) For purposes of Subsection (5)(b)(i), in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may make rules defining what constitutes a person's place of employment.

(6) "Component part" includes:

(a) poultry, dairy, and other livestock feed, and their components;

- (b) baling ties and twine used in the baling of hay and straw;
 - (c) fuel used for providing temperature control of orchards and commercial greenhouses doing a majority of their business in wholesale sales, and for providing power for off-highway type farm machinery; and
 - (d) feed, seeds, and seedlings.
- (7) "Construction materials" means any tangible personal property that will be converted into real property.
- (8) (a) "Fundraising sales" means sales:
- (i) (A) made by a public or private elementary or secondary school; or
 - (B) made by a public or private elementary or secondary school student, grades kindergarten through 12;
 - (ii) that are for the purpose of raising funds for the school to purchase equipment, materials, or provide transportation; and
 - (iii) that are part of an officially sanctioned school activity.
- (b) For purposes of Subsection (8)(a)(iii), "officially sanctioned school activity" means a school activity:
- (i) that is conducted in accordance with a formal policy adopted by the school or school district governing the authorization and supervision of fundraising activities;
 - (ii) that does not directly or indirectly compensate an individual teacher or other educational personnel by direct payment, commissions, or payment in kind; and
 - (iii) the net or gross revenues from which are deposited in a dedicated account controlled by the school or school district.
- (9) (a) "Home medical equipment and supplies" means equipment and supplies that:
- (i) a licensed physician prescribes or authorizes in writing as necessary for the treatment of a medical illness or injury or as necessary to mitigate an impairment resulting from illness or injury;
 - (ii) are used exclusively by the person for whom they are prescribed to serve a medical purpose; and
 - (iii) are listed as eligible for payment under Title 18 of the federal Social Security Act or

under the state plan for medical assistance under Title 19 of the federal Social Security Act.

(b) "Home medical equipment and supplies" does not include:

(i) equipment and supplies purchased by, for, or on behalf of any health care facility, as defined in Subsection (9)(c), doctor, nurse, or other health care provider for use in their professional practice;

(ii) eyeglasses, contact lenses, or equipment to correct impaired vision; or

(iii) hearing aids or hearing aid accessories.

(c) For purposes of Subsection (9)(b)(i), "health care facility" includes:

(i) a clinic;

(ii) a doctor's office; and

(iii) a health care facility as defined in Section 26-21-2.

(10) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or other fuels in:

(a) mining or extraction of minerals;

(b) agricultural operations to produce an agricultural product up to the time of harvest or placing the agricultural product into a storage facility, including:

(i) commercial greenhouses;

(ii) irrigation pumps;

(iii) farm machinery;

(iv) implements of husbandry as defined in Subsection 41-1a-102(23) that are not registered under Title 41, Chapter 1a, Part 2, Registration; and

(v) other farming activities; and

(c) manufacturing tangible personal property at an establishment described in SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget.

(11) "Manufactured home" means any manufactured home or mobile home as defined in Title 58, Chapter 56, Utah Uniform Building Standards Act.

(12) For purposes of Subsection 59-12-104(15), "manufacturing facility" means:

(a) an establishment described in SIC Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of the President, Office of Management and Budget; or

(b) a scrap recycler if:

(i) from a fixed location, the scrap recycler utilizes machinery or equipment to process one or more of the following items into prepared grades of processed materials for use in new products:

(A) iron;

(B) steel;

(C) nonferrous metal;

(D) paper;

(E) glass;

(F) plastic;

(G) textile; or

(H) rubber; and

(ii) the new products under Subsection (12)(b)(i) would otherwise be made with nonrecycled materials.

(13) (a) "Medicine" means:

(i) insulin, syringes, and any medicine prescribed for the treatment of human ailments by a person authorized to prescribe treatments and dispensed on prescription filled by a registered pharmacist, or supplied to patients by a physician, surgeon, or podiatric physician;

(ii) any medicine dispensed to patients in a county or other licensed hospital if prescribed for that patient and dispensed by a registered pharmacist or administered under the direction of a physician; and

(iii) any oxygen or stoma supplies prescribed by a physician or administered under the direction of a physician or paramedic.

(b) "Medicine" does not include:

(i) any auditory, prosthetic, ophthalmic, or ocular device or appliance; or

(ii) any alcoholic beverage.

(14) (a) "Other fuels" means products that burn independently to produce heat or energy.

(b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible personal property.

(15) "Person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

(16) "Purchase price" means the amount paid or charged for tangible personal property or any other taxable item or service under Subsection 59-12-103(1), excluding only cash discounts taken or any excise tax imposed on the purchase price by the federal government.

(17) "Residential use" means the use in or around a home, apartment building, sleeping quarters, and similar facilities or accommodations.

(18) (a) "Retail sale" means any sale within the state of tangible personal property or any other taxable item or service under Subsection 59-12-103(1), other than resale of such property, item, or service by a retailer or wholesaler to a user or consumer.

(b) "Retail sale" includes sales by any farmer or other agricultural producer of poultry, eggs, or dairy products to consumers if the sales have an average monthly sales value of \$125 or more.

(c) "Retail sale" does not include, and no additional sales or use tax shall be assessed against, those transactions where a purchaser of tangible personal property pays applicable sales or use taxes on its initial nonexempt purchases of property and then enters into a sale-leaseback transaction by which title to such property is transferred by the purchaser-lessee to a lessor for consideration, provided:

(i) the transaction is intended as a form of financing for the property to the purchaser-lessee; and

(ii) pursuant to generally accepted accounting principles, the purchaser-lessee is required to capitalize the subject property for financial reporting purposes, and account for the lease payments as payments made under a financing arrangement.

(19) (a) "Retailer" means any person engaged in a regularly organized retail business in tangible personal property or any other taxable item or service under Subsection 59-12-103(1), and

who is selling to the user or consumer and not for resale.

(b) "Retailer" includes commission merchants, auctioneers, and any person regularly engaged in the business of selling to users or consumers within the state.

(c) "Retailer" includes any person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

(d) "Retailer" does not include farmers, gardeners, stockmen, poultrymen, or other growers or agricultural producers producing and doing business on their own premises, except those who are regularly engaged in the business of buying or selling for a profit.

(e) For purposes of this chapter the commission may regard as retailers the following if they determine it is necessary for the efficient administration of this chapter: salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, or employers under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of these dealers, distributors, supervisors, or employers, except that:

(i) a printer's facility with which a retailer has contracted for printing shall not be considered to be a salesman, representative, peddler, canvasser, or agent of the retailer; and

(ii) the ownership of property that is located at the premises of a printer's facility with which the retailer has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the printed product is produced, shall not result in the retailer being deemed to have or maintain an office, distribution house, sales house, warehouse, service enterprise, or other place of business, or to maintain a stock of goods, within this state.

(20) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of tangible personal property or any other taxable item or service under Subsection 59-12-103(1), for a consideration. It includes:

(a) installment and credit sales;

- (b) any closed transaction constituting a sale;
- (c) any sale of electrical energy, gas, services, or entertainment taxable under this chapter;
- (d) any transaction if the possession of property is transferred but the seller retains the title as security for the payment of the price; and
- (e) any transaction under which right to possession, operation, or use of any article of tangible personal property is granted under a lease or contract and the transfer of possession would be taxable if an outright sale were made.

(21) (a) "Sales relating to schools" means sales by a public school district or public or private elementary or secondary school, grades kindergarten through 12, that are directly related to the school's or school district's educational functions or activities and include:

(i) the sale of textbooks, textbook fees, laboratory fees, laboratory supplies, and safety equipment;

(ii) the sale of clothing that:

(A) a student is specifically required to wear as a condition of participation in a school-related event or activity; and

(B) is not readily adaptable to general or continued usage to the extent that it takes the place of ordinary clothing;

(iii) sales of food if the net or gross revenues generated by the food sales are deposited into a school district fund or school fund dedicated to school meals; and

(iv) transportation charges for official school activities.

(b) "Sales relating to schools" does not include:

(i) gate receipts;

(ii) special event admission fees;

(iii) bookstore sales of items that are not educational materials or supplies; and

(iv) except as provided in Subsection(21)(a)(ii), clothing.

(22) "State" means the state of Utah, its departments, and agencies.

(23) "Storage" means any keeping or retention of tangible personal property or any other taxable item or service under Subsection 59-12-103(1), in this state for any purpose except sale in

the regular course of business.

(24) (a) "Tangible personal property" means:

- (i) all goods, wares, merchandise, produce, and commodities;
- (ii) all tangible or corporeal things and substances which are dealt in or capable of being possessed or exchanged;
- (iii) water in bottles, tanks, or other containers; and
- (iv) all other physically existing articles or things, including property severed from real estate.

(b) "Tangible personal property" does not include:

- (i) real estate or any interest or improvements in real estate;
- (ii) bank accounts, stocks, bonds, mortgages, notes, and other evidence of debt;
- (iii) insurance certificates or policies;
- (iv) personal or governmental licenses;
- (v) water in pipes, conduits, ditches, or reservoirs;
- (vi) currency and coinage constituting legal tender of the United States or of a foreign nation; and
- (vii) all gold, silver, or platinum ingots, bars, medallions, or decorative coins, not constituting legal tender of any nation, with a gold, silver, or platinum content of not less than 80%.

(25) (a) "Use" means the exercise of any right or power over tangible personal property under Subsection 59-12-103(1), incident to the ownership or the leasing of that property, item, or service.

(b) "Use" does not include the sale, display, demonstration, or trial of that property in the regular course of business and held for resale.

(26) "Vehicle" means any aircraft, as defined in Section ~~[2-1-1]~~ 72-10-102; any vehicle, as defined in Section 41-1a-102; any off-highway vehicle, as defined in Section 41-22-2; and any vessel, as defined in Section 41-1a-102; that is required to be titled, registered, or both. "Vehicle" for purposes of Subsection 59-12-104(37) only, also includes any locomotive, freight car, railroad work equipment, or other railroad rolling stock.

(27) "Vehicle dealer" means a person engaged in the business of buying, selling, or exchanging vehicles as defined in Subsection (26).

(28) (a) "Vendor" means:

(i) any person receiving any payment or consideration upon a sale of tangible personal property or any other taxable item or service under Subsection 59-12-103(1), or to whom such payment or consideration is payable; and

(ii) any person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

(b) "Vendor" does not mean a printer's facility described in Subsection (19)(e).

Section 22. Section **59-12-103** is amended to read:

59-12-103. Sales and use tax base -- Rate -- Use of sales and use tax revenues.

(1) There is levied a tax on the purchaser for the amount paid or charged for the following:

(a) retail sales of tangible personal property made within the state;

(b) amount paid to common carriers or to telephone or telegraph corporations, whether the corporations are municipally or privately owned, for:

(i) all transportation;

(ii) intrastate telephone service; or

(iii) telegraph service;

(c) gas, electricity, heat, coal, fuel oil, or other fuels sold for commercial use;

(d) gas, electricity, heat, coal, fuel oil, or other fuels sold for residential use;

(e) meals sold;

(f) (i) 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 and wrestling matches, closed circuit television broadcasts, billiard or pool parlors, bowling lanes, golf and miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis

courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;

(ii) the tax imposed on admission or user fees in Subsection (1)(f)(i) does not affect an entity's sales tax exempt status under Section 59-12-104.1;

(g) services for repairs or renovations of tangible personal property or services to install tangible personal property in connection with other tangible personal property;

(h) except as provided in Subsection 59-12-104(8), cleaning or washing of tangible personal property;

(i) tourist home, hotel, motel, or trailer court accommodations and services for less than 30 consecutive days;

(j) laundry and dry cleaning services;

(k) leases and rentals of tangible personal property if the property situs is in this state, if the lessee took possession in this state, or if the property is stored, used, or otherwise consumed in this state; and

(l) tangible personal property stored, used, or consumed in this state.

(2) Except for Subsection (1)(d), the rates of the tax levied under Subsection (1) shall be:

(a) 5% through June 30, 1994;

(b) 4.875% beginning on July 1, 1994 through June 30, 1997; and

(c) 4.75% beginning on July 1, 1997.

(3) The rates of the tax levied under Subsection (1)(d) shall be 2% from and after January 1, 1990.

(4) (a) From January 1, 1990, through December 31, 1999, there shall be deposited in an Olympics special revenue fund or funds as determined by the Division of Finance under Section 51-5-4, for the use of the Utah Sports Authority created under Title 63A, Chapter 7, Utah Sports Authority Act:

(i) the amount of sales and use tax generated by a 1/64% tax rate on the taxable items and services under Subsection (1);

(ii) the amount of revenue generated by a 1/64% tax rate under Section 59-12-204 or Section 59-12-205 on the taxable items and services under Subsection (1); and

(iii) interest earned on the amounts under Subsections (4)(a)(i) and (ii).

(b) These funds shall be used:

(i) by the Utah Sports Authority as follows:

(A) to the extent funds are available, to transfer directly to a debt service fund or to otherwise reimburse to the state any amount expended on debt service or any other cost of any bonds issued by the state to construct any public sports facility as defined in Section 63A-7-103;

(B) to pay for the actual and necessary operating, administrative, legal, and other expenses of the Utah Sports Authority, but not including protocol expenses for seeking and obtaining the right to host the Winter Olympic Games; and

(C) the Utah Sports Authority may not expend, loan, or pledge in the aggregate more than \$59,000,000 of sales and use tax deposited into the Olympics special revenue fund under Subsection (4)(a) unless the Legislature appropriates additional funds from the Olympics special revenue fund to the Utah Sports Authority; or

(ii) to pay salary, benefits, or administrative costs associated with the State Olympic Coordinator under Subsection 63A-10-103(3), except that the salary, benefits, or administrative costs may not be paid from the sales and tax revenues generated by municipalities or counties and deposited under Subsection (4)(a)(ii).

(c) A payment of salary, benefits, or administrative costs under Subsection 63A-10-103(3) is not considered an expenditure of the Utah Sports Authority.

(d) If the Legislature appropriates additional funds under Subsection (4)(b)(i)(C), the authority may not expend, loan, pledge, or enter into any agreement to expend, loan, or pledge the appropriated funds unless the authority:

(i) contracts in writing for the full reimbursement of the monies to the Olympics special revenue fund by a public sports entity or other person benefitting from the expenditure; and

(ii) obtains a security interest that secures payment or performance of the obligation to reimburse.

(e) A contract or agreement entered into in violation of Subsection (4)(d) is void.

(f) Any monies in the Olympics special revenue fund or funds as of October 1, 2002, shall be dispersed as follows:

(i) 50% shall be deposited into the General Fund; and

(ii) 50% to counties, cities, or towns in proportion to the sales and use taxes generated by the county, city, or town and deposited under Subsection (4)(a)(ii).

(5) (a) From July 1, 1997, the annual amount of sales and use tax generated by a 1/8% tax rate on the taxable items and services under Subsection (1) shall be used as follows:

(i) 50% shall be used for water and wastewater projects as provided in Subsections (5)(b) through (f); and

(ii) 50% shall be used for transportation projects as provided in Subsections (5)(g) through (h).

(b) Five hundred thousand dollars each year shall be transferred to the Agriculture Resource Development Fund created in Section 4-18-6.

(c) Fifty percent of the remaining amount generated by 50% of the 1/8% tax rate shall be transferred to the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources. In addition to the uses allowed of the fund under Section 73-10-24, the fund may also be used to:

(i) provide a portion of the local cost share, not to exceed in any fiscal year 50% of the funds made available to the Division of Water Resources under this section, of potential project features of the Central Utah Project;

(ii) conduct hydrologic and geotechnical investigations by the Department of Natural 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;

(iii) fund state required dam safety improvements; and

(iv) protect the state's interest in interstate water compact allocations, including the hiring

of technical and legal staff.

(d) Twenty-five percent of the remaining amount generated by 50% of the 1/8% tax rate shall be transferred to the Utah Wastewater Loan Program subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects as defined in Section 73-10b-2.

(e) Twenty-five percent of the remaining amount generated by 50% of the 1/8% tax rate shall be transferred to 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.

(f) Notwithstanding Subsections (5)(b), (c), (d), and (e), \$100,000 of the remaining amount generated by 50% of the 1/8% tax rate each year shall be transferred as dedicated credits to the Division of Water Rights to cover the costs incurred in hiring legal and other technical staff for the adjudication of water rights. Any remaining balance at the end of each fiscal year shall lapse back to the contributing funds on a prorated basis.

(g) Fifty percent of the 1/8% tax rate shall be transferred to the class B and class C roads account to be expended as provided in Title [27] 72, Chapter [12, Article 11] 2, Transportation Finances, for the use of class B and C road funds except as provided in Subsection (5)(h).

(h) (i) If H.B. 53, "Transportation Corridor Preservation," passes in the 1996 General Session, \$500,000 each year shall be transferred to the Transportation Corridor Preservation Revolving Loan Fund, and if H.B. 121, "State Park Access Roads," passes in the 1996 General Session, from July 1, 1997, through June 30, 2006, \$500,000 shall be transferred to the Department of Transportation for the State Park Access Highways Improvement Program. The remaining amount generated by 50% of the 1/8% tax rate shall be transferred to the class B and class C roads account.

(ii) At least 50% of the money transferred to the Transportation Corridor Preservation Revolving Loan Fund under Subsection (5)(h)(i) shall be used to fund loan applications made by the

Department of Transportation at the request of local governments.

(6) (a) Beginning on January 1, 2000, the Division of Finance shall deposit into the Centennial Highway Trust Fund created in Section [~~63-49-22~~] 72-2-118 a portion of the state sales and use tax under Subsections (2) and (3) equal to the revenues generated by a 1/64% tax rate on the taxable items and services under Subsection (1).

(b) Beginning on January 1, 2000, the revenues generated by the 1/64% tax rate:

(i) retained under Subsection 59-12-204(7)(a) shall be retained by the counties, cities, or towns as provided in Section 59-12-204; and

(ii) retained under Subsection 59-12-205(4)(a) shall be distributed to each county, city, and town as provided in Section 59-12-205.

Section 23. Section **59-12-1201** is amended to read:

59-12-1201. Motor vehicle rental tax -- Rate -- Exemptions -- Collection -- Deposits.

(1) (a) Except as provided under Subsection (2), there is imposed a tax of 2.5% on all short-term leases and rentals of motor vehicles not exceeding 30 days.

(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.

(2) A motor vehicle is exempt from the tax imposed under Subsection (1) 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.

(3) (a) The commission shall administer, collect, and enforce the tax authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, and Title 59, Chapter 1, General Taxation Policies.

(b) The commission may retain a maximum of 1-1/2% of the tax collected under this section for the costs of rendering its services under this section.

(c) Except as provided under Subsection (3)(b), all revenue received by the State Tax Commission under this section shall be deposited daily with the state treasurer and credited monthly to the Transportation Corridor Preservation Revolving Loan Fund under Section [~~27-12-103.6~~] 72-2-117.

(4) The tax under this section is not subject to the distribution of tax revenues provided under Sections 59-12-205 and 59-12-103.

Section 24. Section **59-15-106** is amended to read:

59-15-106. Reports by motor carriers and brewers, wholesalers, and distributors outside the state.

(1) Every motor carrier as defined under Section [~~27-17-102~~] 72-9-102 delivering any beer that has been shipped from outside of this state to a point within this state shall, before the last day of each month, report in writing all deliveries during the preceding month to the commission. The report shall be on forms prescribed by, and contain any information required by, the commission.

(2) Every brewer, wholesaler, or distributor outside the state, shipping beer into the state, for sale, use, or consumption within the state shall, before the last day of each month, report in writing upon forms prescribed by the commission any information required by the commission.

Section 25. Section **63-38c-103** is amended to read:

63-38c-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund, Uniform School Fund, and Transportation Fund sources as presented in the governor's executive budgets.

(b) "Appropriation" includes appropriations that are contingent upon available surpluses in the General Fund, Uniform School Fund, or Transportation Fund.

(c) "Appropriations" does not mean:

(i) debt service expenditures;

(ii) emergency expenditures;

(iii) expenditures from all other fund or subfund sources presented in the executive budgets;

(iv) transfers into, or appropriations made to, the Budgetary Reserve Account established in Section 63-38-2.5;

(v) monies appropriated to fund the total one-time project costs for the construction of capital developments as defined in Section 63A-5-104; or

(vi) appropriations made to the Centennial Highway Trust Fund created by Section ~~[63-49-22]~~ 72-2-118.

(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt monies, less \$55 million appropriated for flooding and less \$14.2 million appropriated for capital projects in Section 3 of Chapter 265, Laws of Utah 1985 General Session, by:

(a) the state's July 1, 1983 population; and

(b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Chapter 4, Laws of Utah 1988, Fourth Special Session.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from general, uniform school, and transportation fund sources, less debt monies, less \$55 million appropriated for flooding, and less \$14.2 million appropriated for capital projects in Section 3, Chapter 265, Laws of Utah 1985.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63-38c-202.

(8) (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.

(b) "Maximum allowable appropriations limit" does not mean actual appropriations spent

or actual expenditures.

(9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(10) "Most recent fiscal year's personal income" means the fiscal year personal income two fiscal years previous to the fiscal year for which the maximum allowable personal income appropriations limit is being computed under this chapter.

(11) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(12) "Personal income" means the total personal income of the state as calculated by the Office of Planning and Budget according to the procedures and requirements of Section 63-38c-202.

(13) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Office of Planning and Budget according to the procedures and requirements of Section 63-38c-202.

(14) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund, Uniform School Fund, and Transportation Fund, except as specifically exempted by this chapter.

(15) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 26. Section **63-55-263** is amended to read:

63-55-263. Repeal dates, Titles 63, 63A, and 63C.

(1) Sections 63A-4-204 and 63A-4-205, authorizing the Risk Management Fund to provide coverage to nonstate entities, are repealed July 1, 2001.

(2) (a) Title 63, Chapter 25a, Part 1, Commission on Criminal and Juvenile Justice, is repealed July 1, 2002.

- (b) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2002.
- (3) The Resource Development Coordinating Committee, created in Section 63-28a-2, is repealed July 1, 2004.
- (4) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed July 1, 2007.
- (5) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and Youth At Risk Act, is repealed July 1, 2001.
- (6) Title 63A, Chapter 7, Utah Sports Authority Act, is repealed July 1, 2003.
- (7) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2003.
- (8) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2000.
- (9) The Utah Health Policy Commission, created in Title 63C, Chapter 3, is repealed July 1, 2001.
- (10) The Utah Pioneer Sesquicentennial Celebration Coordinating Council created in Section 63C-5-102 is repealed June 30, 1998.
- (11) Section [~~63-49-24~~] 72-2-119, Growth Impact Highway Grants, is repealed July 1, 1999. Section 27. Section **63-56-13** is amended to read:
63-56-13. Specific statutory authority.
 - (1) The authority to procure certain supplies, services, and construction given the public procurement units governed by the following provisions shall be retained:
 - [(a) ~~Title 27, Chapter 12, Highway Code;~~]
 - [(b)] (a) Title 53B, State System of Higher Education;
 - [(c)] (b) Title 63A, Chapters 5 and 6;
 - [(d)] (c) Title 64, Chapter 1, General Provisions;
 - [(e)] (d) Title 67, Chapter 5, Attorney General; [and]
 - (e) Title 72, Transportation; and
 - (f) Title 78, Chapter 3, District Courts.
 - (2) This authority extends only to supplies, services, and construction to the extent provided in the cited chapters. Except as otherwise provided in Sections 63-56-2 and 63-56-3, the respective

purchasing agencies shall procure supplies, services, and construction in accordance with this chapter.

(3) (a) The Department of Transportation may make rules governing the procurement of highway construction or improvement.

(b) This subsection supersedes Subsections (1) and (2).

(4) The Legislature may procure supplies and services for its own needs.

Section 28. Section **63-65-2** is amended to read:

63-65-2. Definitions.

As used in this chapter:

(1) "Agency bonds" means any bond, note, contract, or other evidence of indebtedness representing loans or grants made by authorizing agencies.

(2) "Authorizing agency" means the board, person, or unit with legal responsibility for administering and managing revolving loan funds.

(3) "Revenue bonds" means any special fund revenue bonds issued by the state treasurer on behalf of the state pursuant to Section 63-65-8.

(4) "Revolving Loan Funds" means:

(a) the Water Resources Conservation and Development Fund, created in Section 73-10-24;

(b) the Water Resources Construction Fund, created in Section 73-10-8;

(c) the Water Resources Cities Water Loan Fund, created in Section 73-10-22;

(d) the Clean Fuel Conversion Funds, created in Title 9, Chapter 1, Part 7, Clean Fuels Conversion Program;

(e) the Water Development Security Account and its subaccounts created in Section 73-10c-5;

(f) the Agriculture Resource Development Fund, created in Section 4-18-6;

(g) the Utah Rural Rehabilitation Fund, created in Section 4-19-4;

(h) the Permanent Community Impact Fund, created in Section 9-4-303;

(i) the Petroleum Storage Tank Loan Fund, created in Section 19-6-405.3; and

(j) the Transportation Infrastructure Loan Fund, created in Section [~~27-18-103~~] 72-2-202.

Section 29. Section **72-1-101**, which is renumbered from Section 63-49-1 is renumbered and amended to read:

TITLE 72. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION ADMINISTRATION

Part 1. General Provisions

[63-49-1]. 72-1-101. Title.

(1) This title is known as the "Transportation Code."

(2) This [~~act shall be~~] chapter is known [~~and may be cited~~] as the "Department of Transportation Administration Act."

Section 30. Section **72-1-102**, which is renumbered from Section 27-12-2 is renumbered and amended to read:

[27-12-2]. 72-1-102. Definitions.

As used in this [~~chapter~~] title:

(1) "Commission" means the Transportation Commission [~~appointed~~] created under Section [~~63-49-10~~] 72-1-301.

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

(3) "Department" means the Department of Transportation created in Section [~~63-49-4~~] 72-1-201.

(4) "Executive director" means the executive director of the department appointed under Section [~~63-49-5~~] 72-1-202.

(5) "Farm tractor" has the meaning set forth in Section 41-1a-102.

(6) "Federal aid primary highway" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

[~~(6)~~] (7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within

the right-of-way.

~~[(7)]~~ (8) "Highway authority" means the department or the legislative, executive, or governing body of a county~~[-, city, or town]~~ or municipality.

~~[(8)]~~ (9) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

(10) "Interstate system" means any highway officially designated by the department and included as part of the national interstate and defense highways, as provided in the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

~~[(9)]~~ (11) "Limited-access facility" means a highway especially designated for through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

(12) "Motor vehicle" has the same meaning set forth in Section 41-1a-102.

(13) "Municipality" has the same meaning set forth in Section 10-1-104.

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

~~[(10)]~~ (15) (a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and maintained by the department where drivers, vehicles, and vehicle loads are checked or inspected for compliance with state and federal laws as specified in Section ~~[27-17-501]~~ 72-9-501.

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

~~[(11)]~~ (16) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties specified in Section ~~[27-17-501]~~ 72-9-501.

~~[(12)]~~ (17) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to a highway.

~~[(13)]~~ (18) "Semitrailer" has the meaning set forth in Section 41-1a-102.

(19) "SR" means state route and has the same meaning as state highway as defined in this section.

~~[(14)]~~ (20) "State highway" means those highways designated as state highways in Title ~~[27]~~ 72, Chapter ~~[12]~~ 4, ~~[Article 4,]~~ Designation of State Highways~~[-, and under Section 27-12-27].~~

[(15)] (21) "State highway purposes" has the meaning set forth in Section [27-12-96] 72-5-102.

(22) "State transportation systems" means all streets, alleys, roads, highways, and thoroughfares of any kind, including connected structures, airports, and all other modes and forms of conveyance used by the public.

[(16)] (23) "Trailer" has the meaning set forth in Section 41-1a-102.

[(17)] (24) "Truck tractor" has the meaning set forth in Section 41-1a-102.

[(18)] (25) "UDOT" means the Utah Department of Transportation.

(26) "Vehicle" has the same meaning set forth in Section 41-1a-102.

Section 31. Section **72-1-201**, which is renumbered from Section 63-49-4 is renumbered and amended to read:

Part 2. Department of Transportation

[63-49-4]. 72-1-201. Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

There is created the Department of Transportation which shall:

- (1) have the general responsibility for planning, research, design, construction, maintenance, security, and safety of state transportation systems;
- (2) provide administration for state transportation systems and programs;
- (3) implement the transportation policies of the state;
- (4) plan, develop, construct, and maintain state transportation systems that are safe, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;
- (5) establish standards and procedures regarding the technical details of administration of the state transportation systems as established by statute and administrative rule;
- (6) advise the governor and the Legislature about state transportation systems needs; and
- (7) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make policy and rules for the administration of the department, state transportation systems, and programs.

Section 32. Section **72-1-202**, which is renumbered from Section 63-49-5 is renumbered and amended to read:

[63-49-5]. 72-1-202. Executive director of department -- Appointment -- Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.

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

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

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

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

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

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

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

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

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

(e) purchase all necessary equipment and supplies for the department.

Section 33. Section **72-1-203**, which is renumbered from Section 63-49-6 is renumbered and amended to read:

[63-49-6]. 72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants and advisers -- Salaries.

(1) The executive director shall appoint a deputy director, who shall be a registered professional engineer in the state and shall serve at the discretion of the executive director.

(2) The deputy director is the chief engineer of the department. The deputy director shall assist the executive director and is responsible for:

- (a) program and project development; and
- (b) operation and maintenance of the state transportation systems.

(3) The executive director may also appoint assistants to administer the divisions of the department. These assistants shall serve at the discretion of the executive director.

(4) In addition, the executive director may employ other assistants and advisers as the executive director finds necessary and fix salaries in accordance with the salary standards adopted by the Department of Human Resource Management.

~~[(5) The executive director may purchase all necessary equipment and supplies.]~~

Section 34. Section **72-1-204**, which is renumbered from Section 63-49-7 is renumbered and amended to read:

~~[63-49-7].~~ **72-1-204. Divisions enumerated -- Duties.**

The divisions of the department are:

(1) the Administrative Services Division responsible for:

(a) all personnel management including recruiting, training, testing, developing, and assisting the transition of personnel into the department;

(b) maintaining records;

(c) data processing;

(d) procuring administrative supplies and equipment; and

(e) risk management;

(2) the Comptroller Division responsible for:

(a) all financial aspects of the department, including budgeting, accounting, and contracting;
and

(b) providing all material data and documentation necessary for effective fiscal planning and programming;

(3) the Internal Audit Division responsible for:

(a) conducting and verifying all internal audits and reviews within the department;

(b) performing financial and compliance audits to determine the allowability and reasonableness of proposals, accounting records, and final costs of consultants, contractors, utility companies, and other entities used by the department; and

(c) implementing audit procedures that meet or exceed generally accepted auditing standards relating to revenues, expenditures, and funding;

(4) the Community Relations Division responsible for:

(a) coordinating, organizing, and managing the department's public hearing process;

(b) responding to citizens' complaints and requests;

(c) developing and implementing the department's public information programs;

(d) assisting the divisions and regions in the department's citizen involvement programs; and

(e) preparing and distributing internal department communications;

(5) the Program Development Division responsible for:

(a) developing transportation plans for state transportation systems;

(b) collecting, processing, and storing transportation data to support department's engineering functions;

(c) designating state transportation systems qualifications;

(d) developing a statewide transportation improvement program for approval by the commission;

(e) providing cartographic services to the department; and

(f) assisting local governments in participating in federal-aid transportation programs;

(6) the Project Development Division responsible for:

(a) developing statewide standards for project design and construction;

(b) providing support for project development in the areas of design environment, right-of-way, materials testing, structures, value engineering, and construction;

(c) designing specialty projects; and

(d) performing research into materials and methods for construction of state transportation systems; and

(7) the Operations Division responsible for:

- (a) maintaining the state transportation systems;
- (b) state transportation systems safety;
- (c) operating state ports-of-entry;
- (d) operating state motor carrier safety programs in accordance with [~~Title 27, Highways,~~]

this title and federal law;

- (e) aeronautical operations; and
- (f) providing equipment for department engineering and maintenance functions.

Section 35. Section **72-1-205**, which is renumbered from Section 63-49-9 is renumbered and amended to read:

~~[63-49-9].~~ **72-1-205. Region offices -- Region directors -- Qualifications -- Responsibilities.**

- (1) The department shall maintain region offices throughout the state as the executive director finds reasonable and necessary for the efficient carrying out of the duties of the department.
- (2) The executive director shall appoint a region director for each region. Each region director shall be a qualified executive with technical and administrative experience and training.
- (3) The region director is responsible for:
 - (a) executing department policy within the region;
 - (b) supervising project development and operations of the state transportation systems within the region; and
 - (c) promoting the department's public involvement and information programs.
- (4) The executive director may also establish district offices within a region to implement maintenance, encroachment, safety, community involvement, and loss management functions of the region.

Section 36. Section **72-1-206**, which is renumbered from Section 63-49-21 is renumbered and amended to read:

~~[63-49-21].~~ **72-1-206. Performance auditors -- Appointment -- Duties -- Reports.**

- (1) (a) The executive director, with the approval of a majority vote of the commission for each appointment, shall appoint not less than two performance auditors. A performance auditor may

only be removed by the executive director with the approval of a majority vote of the commission.

(b) Each auditor shall have at least three years' experience in performance auditing prior to appointment.

(2) (a) The executive director shall ensure that the auditors receive:

(i) any staff support from the department that is necessary to fulfill their duties; and

(ii) access to all the department's records and information.

(b) The department may hire outside consultants to assist in the audits under Subsection (3).

(3) The performance auditors shall conduct and supervise, as prioritized by the commission:

(a) performance audits to determine the efficiency and effectiveness of the department;

(b) financial audits to ensure the efficient and effective expenditure of department monies;

(c) audits to ensure department compliance with state statutes, commission priorities, and legislative appropriation intent statements;

(d) audits to determine the impact of federal mandates, including air quality, wetlands, and other environmental standards on the cost and schedule of department projects;

(e) external audits on persons entering into contracts with the department, as necessary;

(f) studies to determine the time required to accomplish department and external contract work and their relative efficiencies;

(g) evaluations of the department's quality assurance and quality control programs; and

(h) any other executive director or commission requests.

(4) The performance auditors shall conduct audits in accordance with applicable professional auditing standards.

(5) The performance auditors shall provide copies of all reports of audit findings to the commission, the executive director, and the Legislative Auditor General.

Section 37. Section **72-1-207**, which is renumbered from Section 27-12-13 is renumbered and amended to read:

[27-12-13]. 72-1-207. Department may sue and be sued -- Legal adviser of department.

(1) The department may sue, and it may be sued only on written contracts made by it or

under its authority.

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

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

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

Section 38. Section **72-1-208**, which is renumbered from Section 27-12-14 is renumbered and amended to read:

[27-12-14]. 72-1-208. Cooperation with counties, cities, towns, the federal government, and all state departments.

(1) The department shall cooperate with the counties, cities, and towns in the construction, maintenance, and use of the highways and in all related matters, and may provide services to the counties, cities, and towns on terms mutually agreed upon.

(2) The department, with the approval of the governor, shall cooperate with the federal government in all federal-aid projects and with all state departments in all matters in connection with the use of the highways.

Section 39. Section **72-1-209**, which is renumbered from Section 27-12-16 is renumbered and amended to read:

[27-12-16]. 72-1-209. Department to cooperate in programs relating to scenic centers.

The department shall cooperate in planning and promoting road-building programs into the scenic centers of the state and in providing camping grounds and facilities in scenic centers for

tourists with:

- (1) the Department of Community and Economic Development;
- (2) the Division of Travel Development; [with]
- (3) other states; [with]
- (4) all national, state, and local planning and zoning agencies and boards; [with city]
- (5) municipal and county officials; and [with]
- (6) other agencies [~~in planning and promoting road-building programs into the scenic centers of the state and in providing camping grounds and facilities in scenic centers for tourists~~].

Section 40. Section **72-1-210**, which is renumbered from Section 27-12-20 is renumbered and amended to read:

~~[27-12-20].~~ **72-1-210. Department to be assisted by faculties and personnel of universities.**

The engineering machinery and apparatus and the force of mechanics and instructors in the University of Utah and Utah State University are at the disposal of the department, and any faculty member of the institutions shall furnish any information or assistance desired upon request of the department.

Section 41. Section **72-1-301**, which is renumbered from Section 63-49-10 is renumbered and amended to read:

Part 3. Transportation Commission

~~[63-49-10].~~ **72-1-301. Transportation Commission created -- Members, appointment, terms -- Qualifications -- Pay and expenses -- Chair -- Quorum -- Surety bond.**

- (1) (a) There is created the Transportation Commission which shall consist of seven members.
- (b) The members of the commission shall be residents of Utah.
- (c) No more than four of the commissioners shall be members of any one political party.
- (d) (i) The commissioners shall be appointed by the governor, with the advice and consent of the Senate for a term of six years, commencing on April 1 of odd-numbered years, except as provided under Subsection (1)(d)(ii).

(ii) The first two additional commissioners serving on the seven member commission shall be appointed for terms of two years nine months and four years nine months, respectively, initially commencing on July 1, 1996, and subsequently commencing as specified under Subsection (1)(d)(i).

(e) The commissioners serve on a part-time basis.

(f) Each commissioner shall remain in office until a successor is appointed and qualified.

(2) The selection of the commissioners shall be as follows:

(a) one commissioner from Box Elder, Cache, or Rich county;

(b) one commissioner from Salt Lake or Tooele county;

(c) one commissioner from Carbon, Emery, Grand, or San Juan county;

(d) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete, Sevier, Washington, or Wayne county;

(e) one commissioner from Weber, Davis, or Morgan county;

(f) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or Daggett county; and

(g) one commissioner selected from the state at large.

(3) (a) Members appointed before May 2, 1996, shall continue to receive the compensation, per diem, expenses, and benefits they were receiving as of January 1, 1996.

(b) Members appointed after May 2, 1996, shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(c) Members may decline to receive compensation, benefits, per diem, and expenses for their service.

(4) (a) One member of the commission shall be designated by the governor as chair.

(b) The commission shall select one member as vice chair to act in the chair's absence.

(5) Any four commissioners constitute a quorum.

(6) (a) Each member of the commission shall qualify by:

(i) taking the constitutional oath of office; and

(ii) giving a surety bond.

(b) The Division of Finance of the Department of Administrative Services shall determine the form and amount of the bond, and the state shall pay the bond premium.

Section 42. Section **72-1-302**, which is renumbered from Section 63-49-11 is renumbered and amended to read:

[63-49-11]. 72-1-302. Commission offices and meetings.

(1) The commission shall maintain offices and hold regular meetings at those offices on dates fixed and formally announced by it, and may hold other meetings at ~~[such]~~ the times and places as it may, by order, provide.

(2) (a) Meetings may be held upon call of the governor, the chairman, or two commissioners upon notice of the time, place and purpose of meeting given by mail, telephone or telegraph to each commissioner at least seven days prior to the date of the meeting.

(b) Any meeting ~~[so-called]~~ may be held upon shorter notice with the unanimous approval of the commission.

Section 43. Section **72-1-303**, which is renumbered from Section 63-49-12 is renumbered and amended to read:

[63-49-12]. 72-1-303. Duties of commission.

The commission has the following duties:

(1) determining priorities and funding levels of projects in the state transportation systems for each fiscal year based on project lists compiled by the department;

(2) determining additions and deletions to state highways under ~~[Sections 27-12-27 through 27-12-30]~~ Chapter 4, Designation of State Highways;

(3) holding public hearings and otherwise providing for public input in transportation matters;

(4) making policies and rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to perform the commission's duties described under this section and Section ~~[27-12-27]~~ 72-4-102;

(5) in accordance with Section 63-46b-12, reviewing orders issued by the executive director

in adjudicative proceedings held in accordance with Title 63, Chapter 46b, Administrative Procedures Act; and

(6) advising the department in state transportation systems policy.

Section 44. Section **72-2-101** is enacted to read:

CHAPTER 2. TRANSPORTATION FINANCES

Part 1. Transportation Fund and Highway Finances

72-2-101. Title.

This chapter is known as the "Transportation Finances Act."

Section 45. Section **72-2-102** is enacted to read:

72-2-102. Transportation Fund.

(1) There is created a fund entitled the "Transportation Fund."

(2) Transportation Fund monies shall be used exclusively for highway purposes as provided in this title.

Section 46. Section **72-2-103**, which is renumbered from Section 63-49-19 is renumbered and amended to read:

[~~63-49-19~~]. 72-2-103. Limitations on Transportation Fund appropriations to agencies not a part of the Department of Transportation -- Exceptions.

(1) Except as provided under Subsections (2) and (3), the amount appropriated or transferred from the Transportation Fund each year may not exceed a combined total of \$10,600,000 to:

- (a) the Department of Public Safety;
- (b) the State Tax Commission;
- (c) the Division of Finance; and
- (d) any other state agency that is not a part of the Department of Transportation.

(2) The amounts deposited in the Department of Public Safety Restricted Account created under Section 53-3-106 are exempt from the appropriation and transfer limitations of Subsection (1).

(3) The revenue generated by the uninsured motorist identification fee under Section 41-1a-1218 and by the motor carrier fee under Section 41-1a-1219 or Section [~~27-17-707~~] 72-9-706 is exempt from the appropriation and transfer limitations of Subsection (1).

Section 47. Section **72-2-104**, which is renumbered from Section 63-49-15 is renumbered and amended to read:

[63-49-15]. 72-2-104. Budget.

(1) The department shall prepare and submit to the governor, to be included in his budget to be submitted to the Legislature, a budget of the requirements for the operation of the department for the fiscal year following the convening of the Legislature.

(2) This budget shall be so separated, in relation to the various functions of the department, so as to allow the separate determination of funds for deposit into the Transportation Fund and into any other special funds which are required by law to be utilized for specific purposes and which are separately maintained by the department for those purposes.

Section 48. Section **72-2-105**, which is renumbered from Section 27-12-126 is renumbered and amended to read:

**[27-12-126]. 72-2-105. Budgetary accounts within Transportation Fund --
Disposition of unexpended balances.**

(1) The amount designated by the Legislature, out of which the items budgeted shall be paid, shall be established in appropriation and allotment accounts within the Transportation Fund.

(2) At the close of the biennium all unexpended balances remaining in the accounts so budgeted shall be closed to the fund balance account of the Transportation Fund.

Section 49. Section **72-2-106**, which is renumbered from Section 27-12-128 is renumbered and amended to read:

**[27-12-128]. 72-2-106. Appropriation from Transportation Fund --
Transportation-Fund Highway Rehabilitation Restricted Account.**

(1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the use of the department [~~of Transportation~~] an amount equal to two-elevenths of the taxes collected from the motor fuel tax and the special fuel tax, exclusive of the formula amount appropriated to the B and C road fund and the collector road fund, to be used for highway rehabilitation.

(2) All of this money shall be placed in an account known as the "Transportation Fund-highway Rehabilitation Restricted Account."

Section 50. Section **72-2-107**, which is renumbered from Section 27-12-127 is renumbered and amended to read:

[27-12-127]. 72-2-107. Appropriation from Transportation Fund -- Deposit in class B and class C roads account.

(1) There is appropriated to the department from the Transportation Fund annually an amount equal to 25% of an amount which the director of finance shall compute in the following manner: The total revenue deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to the Department of Public Safety, the Tax Commission, the Division of Finance, the Utah Travel Council, and any other amounts appropriated or transferred for any other state agencies not a part of the department.

(2) All of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be expended under the direction of the department as the Legislature shall provide.

Section 51. Section **72-2-108**, which is renumbered from Section 27-12-129 is renumbered and amended to read:

[27-12-129]. 72-2-108. Apportionment of funds available for use on class B and class C roads -- Bonds.

(1) For purposes of this section:

(a) "Graveled road" means a road:

(i) that is:

(A) graded; and

(B) drained by transverse drainage systems to prevent serious impairment of the road by surface water;

(ii) that has an improved surface; and

(iii) that has a wearing surface made of:

(A) gravel;

(B) broken stone;

(C) slag;

(D) iron ore;

(E) shale; or

(F) other material that is:

(I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and

(II) is coarser than sand[;].

(b) "Paved road" includes a graveled road with a chip seal surface[;].

(c) "Road mile" means a one-mile length of road, regardless of:

(i) the width of the road; or

(ii) the number of lanes into which the road is divided[; and].

(d) "Weighted mileage" means the sum of the following:

(i) paved road miles multiplied by five;

(ii) graveled road miles multiplied by two; and

(iii) all other road type road miles multiplied by one.

(2) Subject to the provisions of Subsections (3) through (5), funds in the class B and class C roads account shall be apportioned among counties and municipalities in the following manner:

(a) 50% in the ratio that the class B roads weighted mileage within each county and class C roads weighted mileage within each municipality bear to the total class B and class C roads weighted mileage within the state; and

(b) 50% in the ratio that the population of a county or municipality bears to the total population of the state as of the last official federal census or the United States Bureau of Census estimate, whichever is most recent, except that if population estimates are not made for a county or municipality by the United States Bureau of Census, population figures shall be determined according to the biennial estimate from the Utah Population Estimates Committee.

(3) For purposes of Subsection (2)(b), "the population of a county" means:

(a) the population of a county outside the corporate limits of municipalities in that county, if the population of the county outside the corporate limits of municipalities in that county is not less than 14% of the total population of that county, including municipalities; and

(b) if the population of a county outside the corporate limits of municipalities in the county is less than 14% of the total population:

(i) the aggregate percentage of the population apportioned to municipalities in that county shall be reduced by an amount equal to the difference between:

(A) 14%; and

(B) the actual percentage of population outside the corporate limits of municipalities in that county; and

(ii) the population apportioned to the county shall be 14% of the total population of that county, including incorporated municipalities.

(4) (a) For fiscal year 1997-98 if an apportionment under Subsection (2) to a county or municipality is less than 110% of the amount apportioned to the county or municipality from the class B and class C roads account for fiscal year 1994-95, the department shall:

(i) reapportion the funds under Subsection (2) to ensure that the county or municipality receives an amount equal to the greater of:

(A) 110% of the amount apportioned to the county or municipality from the class B and class C roads account for fiscal year 1994-95; or

(B) 100% of the amount apportioned to the county or municipality from the class B and class C roads account for fiscal year 1995-96; and

(ii) decrease proportionately as provided in Subsection (4)(b) the apportionments to counties and municipalities under Subsection (2) that, prior to the reapportionment by the department under Subsection (4)(a)(i), would be greater than 110% of the apportionments to the counties and municipalities for fiscal year 1994-95.

(b) For purposes of Subsection (4)(a)(ii), the aggregate amount of the funds that the department shall decrease proportionately from the apportionments under Subsection (4)(a)(ii) is an amount equal to the aggregate amount reapportioned to counties and municipalities under Subsection

(4)(a)(i).

(5) (a) Beginning with fiscal year 1998-99, the department shall reapportion the funds in the class B and class C roads account otherwise apportioned under Subsection (2) as provided in Subsection (5)(b) if:

(i) there is an increase in the class B and class C roads account from other than increases in fees or tax rates for the current fiscal year over the previous fiscal year; and

(ii) an apportionment under Subsection (2) to a county or municipality is less than the product of:

(A) the percentage increase in the class B and class C roads account from other than increases in fees or tax rates for the current fiscal year over the previous fiscal year;

(B) $1/3$; and

(C) the apportionment to the county or municipality for the previous fiscal year.

(b) If the department is required to reapportion the funds in the class B and class C roads account under Subsection (5)(a), the department shall:

(i) ensure that each county and municipality receives an amount equal to the greater of:

(A) the product of:

(I) the percentage increase in the class B and class C roads account from other than increases in fees or tax rates for the current fiscal year over the previous fiscal year;

(II) $1/3$; and

(III) the apportionment to the county or municipality for the previous fiscal year; or

(B) the amount apportioned to the county or municipality under Subsection (2); and

(ii) decrease proportionately as provided in Subsection (5)(c) the apportionments to counties and municipalities under Subsection (2) that, prior to the reapportionment by the department under Subsection (5)(b)(i), would be greater than the product of:

(A) the percentage increase in the class B and class C roads account from other than increases in fees or tax rates for the current fiscal year over the previous fiscal year;

(B) $1/3$; and

(C) the apportionment to the county or municipality for the previous fiscal year.

(c) For purposes of Subsection (5)(b)(ii), the aggregate amount of the funds that the department shall decrease proportionately from the apportionments under Subsection (5)(b)(ii) is an amount equal to the aggregate amount reapportioned to counties and municipalities under Subsection (5)(b)(i).

(6) The governing body of any municipality or county may issue bonds redeemable up to a period of ten years under Title 11, Chapter 14, Utah Municipal Bond Act, to pay the costs of constructing, repairing, and maintaining class B or class C roads and may pledge class B or class C road funds received pursuant to this section to pay principal, interest, premiums, and reserves for the bonds.

Section 52. Section **72-2-109**, which is renumbered from Section 27-12-130 is renumbered and amended to read:

~~[27-12-130].~~ **72-2-109. Rules for uniform accounting -- Apportionment and use of class B and class C road funds -- Compliance with federal-aid provisions -- Duties of department.**

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules providing for uniform accounting of funds to be expended upon class B and C roads as required by the federal government under Title 23, United States Code Annotated, relating to federal aid for highway purposes together with all amendatory acts.

(2) The department shall cooperate with the county governing bodies and the governing officials of the cities and towns in the apportionment and use of class B and C road funds.

Section 53. Section **72-2-110**, which is renumbered from Section 27-12-131 is renumbered and amended to read:

~~[27-12-131].~~ **72-2-110. Funds allocated to class B and class C roads -- Matching federal funds.**

Any funds which are [~~hereby~~] allocated to class B and class C roads may be used for matching federal funds for the construction of secondary roads now available or which may [~~hereafter~~] later become available in accordance with the provisions of law.

Section 54. Section **72-2-111**, which is renumbered from Section 27-12-121 is renumbered

and amended to read:

~~[27-12-121].~~ **72-2-111. Assent to federal acts on federal aid for highway purposes -- Department to represent state -- Pledge of funds -- Rulemaking authority -- Contracts for energy conservation.**

(1) (a) The Legislature assents to all the provisions of Title 23, [~~United States Code Annotated~~] Highways, U.S.C., relating to federal aid for highway purposes, [~~together with~~] and all amendatory acts.

(b) The department may:

(i) enter into a contract or agreement with the United States government relating to the survey, construction, and maintenance of highways under a federal act;

(ii) submit a scheme or program of construction and maintenance required by a federal agency; and

(iii) do any other thing necessary to fully carry out the cooperation contemplated and provided for by a federal act.

(c) [~~For the construction of federal-aid highways the~~] The good faith of the state is pledged to make available sufficient funds to match the sums apportioned to the state by the United States government:

(i) for the construction of federal-aid highways; and

(ii) to provide adequate maintenance for federal-aid highways.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules to encourage car pools and van pools in order to save energy.

(3) The department may contract with individuals, associations, or corporations to accomplish energy conservation and encouragement of car and van pooling.

Section 55. Section **72-2-112**, which is renumbered from Section 63-49-16 is renumbered and amended to read:

~~[63-49-16].~~ **72-2-112. Transportation department authorized to participate in federal program.**

(1) Notwithstanding any law to the contrary, the [State] department [~~of Transportation~~] is

empowered to participate in the deferred payment program authorized by Congress in Public Law 94-30.

(2) Any indebtedness incurred by the department under this section shall be paid from state transportation funds as appropriated.

Section 56. Section **72-2-113**, which is renumbered from Section 63-49-23 is renumbered and amended to read:

[63-49-23]. 72-2-113. Rulemaking for cost limitations on contracts -- Auditing for compliance -- Federal accounting and audit standards.

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules for determining the allowability of costs included in contracts entered into by the department for engineering and design services. The rules shall comply with the provisions of 23 U.S.C. Section 112.

(2) The department may require a provider of engineering or design services to submit annual audits or to submit to audits to determine compliance with the rules made under Subsection (1). The audits may not be duplicative of federal audits under the Federal Acquisition Regulations System, 48 C.F.R. Part 31.

(3) All engineering and design contracts and subcontracts entered into by the department shall be accounted for and audited in compliance with the Federal Acquisition Regulations System, 48 C.F.R. Part 31.

Section 57. Section **72-2-114**, which is renumbered from Section 63-49-25 is renumbered and amended to read:

[63-49-25]. 72-2-114. Transfer of monies -- Debt service.

(1) When there are insufficient appropriations or monies available from other legal sources to pay interest on any bond anticipation notes issued under the authority of Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization, the Division of Finance shall inform the department [of Transportation] of the amount necessary to pay that interest.

(2) After receiving notice under Subsection (1), the department [of Transportation] shall transfer monies from any available source other than the Transportation Fund to the Division of

Finance for deposit into the Debt Service Fund to pay interest on bond anticipation notes issued under the authority of Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization.

Section 58. Section **72-2-115**, which is renumbered from Section 63-49-18 is renumbered and amended to read:

[63-49-18]. 72-2-115. Transportation Fund balance -- Income -- Allocation.

All interest and earnings and other income derived from the Transportation Fund balance shall be credited to the Transportation Fund, including the collector road and B and C road accounts in proportion to the various fund account balances on an average monthly balance basis.

Section 59. Section **72-2-116**, which is renumbered from Section 27-12-132 is renumbered and amended to read:

[27-12-132]. 72-2-116. Gifts, bequests, and donations part of Transportation Fund -- Expenditure.

(1) Gifts, bequests, and donations by individuals, corporations, or societies to the state for road building purposes shall become part of the ~~[state highway fund]~~ Transportation Fund, and shall be expended for state highway purposes. ~~[Such gifts]~~

(2) Gifts, bequests, or donations made to any county shall be expended under the direction of the county legislative body.

Section 60. Section **72-2-117**, which is renumbered from Section 27-12-103.6 is renumbered and amended to read:

[27-12-103.6]. 72-2-117. Transportation Corridor Preservation Revolving Loan Fund -- Distribution -- Repayment -- Rulemaking.

(1) There is created the Transportation Corridor Preservation Revolving Loan Fund within the Transportation Fund.

(2) The fund shall be funded from the following sources:

- (a) motor vehicle rental tax imposed under Section 59-12-1201;
- (b) appropriations made to the fund by the Legislature;
- (c) contributions from other public and private sources for deposit into the fund;

- (d) interest earnings on cash balances;
- (e) all monies collected for repayments and interest on fund monies; and
- (f) all monies collected from rents and sales of real property.

(3) All monies appropriated to the Transportation Corridor Preservation Revolving Loan Fund are nonlapsing.

(4) (a) The commission shall authorize the expenditure of fund monies to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

- (i) monies available in the fund; and
- (ii) rules made under Subsection (7).

(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.

(5) Administrative costs of the Transportation Corridor Preservation Revolving Loan Fund shall be paid from the fund.

(6) The department:

(a) may apply to the commission under this section for monies from the Transportation Corridor Preservation Revolving Loan Fund for a specified transportation corridor project, including for county and municipal projects; and

(b) shall repay the fund monies authorized for the project to the fund as required under Subsection (7).

(7) The commission shall:

(a) administer the Transportation Corridor Preservation Revolving Loan Fund to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land;

(b) prioritize fund monies based on considerations, including:

- (i) areas with rapidly expanding population;
- (ii) the willingness of local governments to complete studies and impact statements that meet

department standards;

- (iii) the preservation of corridors by the use of local planning and zoning processes; and
- (iv) the availability of other public and private matching funds for a project; and
- (c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

Act, establishing the:

- (i) procedures for the awarding of fund monies;
- (ii) procedures for the department to apply for transportation corridor preservation monies for projects; and
- (iii) repayment conditions of the monies to the fund from the specified project funds.

Section 61. Section **72-2-118**, which is renumbered from Section 63-49-22 is renumbered and amended to read:

~~[63-49-22].~~ 72-2-118. Centennial Highway Trust Fund.

- (1) There is created an expendable trust fund entitled the Centennial Highway Trust Fund.
- (2) The fund consists of monies generated from the following revenue sources:
 - (a) any voluntary contributions received for the construction, major reconstruction, or major renovation of state or federal highways;
 - (b) appropriations made to the fund by the Legislature;
 - (c) registration fees designated under Subsection 41-1a-1201(6); and
 - (d) the sales and use tax amounts provided for in Subsection 59-12-103(6).
- (3) (a) The fund shall earn interest.
 - (b) All interest earned on fund monies shall be deposited into the fund.
- (4) The executive director may use fund monies, as prioritized by the Transportation Commission, only to pay the costs of construction, major reconstruction, or major renovation to state and federal highways.

Section 62. Section **72-2-119**, which is renumbered from Section 63-49-24 is renumbered and amended to read:

~~[63-49-24].~~ 72-2-119. Growth impact highway grants.

- (1) Notwithstanding the restrictions on the use of Centennial Highway Trust Fund monies

under Subsection [~~63-49-22~~] 72-2-118(4), the commission may issue one grant annually of up to \$1,000,000 from the Centennial Highway Trust Fund to a county for county highway improvement projects needed because of significant impacts on local infrastructure resulting from large business development within the county which adds more than 15% to the total locally assessed value of taxable property in the county.

(2) A county recipient must provide matching funds from any available public or private sources having a value that is at least 150% of the grant funds received from the commission under this section.

Section 63. Section **72-2-120**, which is renumbered from Section 27-12-132.2 is renumbered and amended to read:

~~[27-12-132.2].~~ **72-2-120. Tollway Restricted Account -- Revenue -- Nonlapsing.**

(1) There is created within the Transportation Fund a restricted account known as the "Tollway Restricted Account."

(2) The account shall be funded from the following sources:

- (a) tolls collected under Section [~~27-12-132.1~~] 72-6-118;
- (b) appropriations made to the account by the Legislature;
- (c) contributions from other public and private sources for deposit into the account;
- (d) interest earnings on cash balances; and
- (e) all monies collected for repayments and interest on account monies.

(3) All monies appropriated to the account are nonlapsing.

(4) (a) Monies shall be appropriated by the Legislature from the restricted account to the commission for tollway purposes.

(b) The commission may authorize the monies under Subsection (4)(a) to be spent by the department to establish and operate tollways and related facilities, including design, construction, reconstruction, operation, maintenance, impacts from tollways, and the acquisition of right-of-way.

Section 64. Section **72-2-201**, which is renumbered from Section 27-18-102 is renumbered and amended to read:

Part 2. Transportation Infrastructure Loan Fund

~~[27-18-102].~~ **72-2-201. Definitions.**

As used in this [chapter] part:

(1) "Fund" means the Transportation Infrastructure Loan Fund created under Section ~~[27-18-103]~~ 72-2-202.

(2) "Infrastructure assistance" means any use of fund moneys, except an infrastructure loan, to provide financial assistance for transportation projects, including to finance leases, fund reserves, make grants, make interest buy-down grants, leases, or loans obtained by a public entity to finance transportation projects.

(3) "Infrastructure loan" means a loan of fund monies to finance a transportation project.

(4) "Public entity" means a state agency, county, municipality, special district, or an intergovernmental entity organized under state law.

(5) "Transportation project" means a project to improve the state transportation systems and includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping, and fixturing.

Section 65. Section **72-2-202**, which is renumbered from Section 27-18-103 is renumbered and amended to read:

~~[27-18-103].~~ **72-2-202. Transportation Infrastructure Loan Fund -- Creation -- Use of monies.**

(1) There is created a revolving loan fund entitled the Transportation Infrastructure Loan Fund.

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

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

(b) federal monies and grants that are deposited in the fund;

(c) monies transferred to the fund by the commission from other monies available to the department;

(d) state grants that are deposited in the fund;

(e) contributions or grants from any other private or public sources for deposit into the fund;

and

(f) all monies collected from repayments of fund monies used for infrastructure loans or infrastructure assistance.

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

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

(4) Monies in the fund shall be used by the department, as prioritized by the commission, only to:

(a) provide infrastructure loans or infrastructure assistance; and

(b) pay the department for the costs of administering the fund, providing infrastructure loans or infrastructure assistance, monitoring transportation projects, and obtaining repayments of infrastructure loans or infrastructure assistance.

(5) (a) The department may establish separate accounts in the fund for infrastructure loans, infrastructure assistance, administrative and operating expenses, or any other purpose to implement this part.

(b) In accordance with Title, 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules governing how the fund and its accounts may be held by an escrow agent.

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

Section 66. Section **72-2-203**, which is renumbered from Section 27-18-104 is renumbered and amended to read:

[27-18-104]. 72-2-203. Loans and assistance -- Authority -- Rulemaking.

(1) Monies in the fund may be used by the department, as prioritized by the commission, to make infrastructure loans or to provide infrastructure assistance to any public entity for any purpose consistent with any applicable constitutional limitation.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules providing procedures and standards for making infrastructure loans and providing infrastructure assistance.

Section 67. Section **72-2-204**, which is renumbered from Section 27-18-105 is renumbered

and amended to read:

~~[27-18-105].~~ **72-2-204. Loan program procedures -- Repayment.**

(1) A public entity may obtain an infrastructure loan from the department, upon approval by the commission, by entering into a loan contract with the department secured by legally issued bonds, notes, or other evidence of indebtedness validly issued under state law, including pledging all or any portion of a revenue source to the repayment of the loan.

(2) The public entity shall repay the infrastructure loan in accordance with the loan contract from any of the following sources:

- (a) transportation project revenues, including special assessment revenues;
- (b) general funds of the public entity;
- (c) monies withheld under Subsection (5); or
- (d) any other legally available revenues.

(3) An infrastructure loan contract with a public entity may provide that a portion of the proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the loan.

(4) Before obtaining an infrastructure loan, a county or municipality shall:

(a) publish its intention to obtain an infrastructure loan at least once in accordance with the publication of notice requirements under Section 11-14-21; and

(b) adopt an ordinance or resolution authorizing the infrastructure loan.

(5) (a) If a public entity fails to comply with the terms of its infrastructure loan contract, the department may seek any legal or equitable remedy to obtain compliance or payment of damages.

(b) If a public entity fails to make infrastructure loan payments when due, the state shall, at the request of the department, withhold an amount of monies due to the public entity and deposit the withheld monies in the fund to pay the amounts due under the contract.

(c) The department may elect when to request the withholding of monies under this Subsection (5).

(6) All loan contracts, bonds, notes, or other evidence of indebtedness securing the loan contracts shall be held, collected, and accounted for in accordance with Section 63-65-4.

Section 68. Section **72-2-205**, which is renumbered from Section 27-18-106 is renumbered

and amended to read:

[27-18-106]. 72-2-205. Loan contracts of state agencies.

(1) (a) Notwithstanding Sections 53B-21-113 and 63A-1-112, a state agency may obtain an infrastructure loan.

(b) A state agency may contract to repay an infrastructure loan from the monies which are appropriated to the agency and may pledge all or any portion of those monies to repay the loan.

(c) A state agency's infrastructure loan may not constitute a debt of the state or lending the credit of the state within the meaning of any constitutional or statutory limitation.

(2) The terms of an infrastructure loan contract shall bind the state and a state agency, and the state agency shall unconditionally repay the loan from the monies the agency has pledged under the terms of the loan contract.

Section 69. Section **72-2-206**, which is renumbered from Section 27-18-107 is renumbered and amended to read:

[27-18-107]. 72-2-206. Department authority to contract.

The department may, upon approval of the commission:

(1) make all contracts, execute all instruments, and do all things necessary or convenient to provide financial assistance for transportation projects in accordance with this chapter; and

(2) enter into and perform the contracts and agreements with entities concerning the planning, construction, lease, or other acquisition, installation, or financing of transportation projects.

Section 70. Section **72-3-101** is enacted to read:

CHAPTER 3. HIGHWAY JURISDICTION AND CLASSIFICATION

Part 1. Highways in General

72-3-101. Title.

This chapter is known as the "Highway Jurisdiction and Classification Act."

Section 71. Section **72-3-102**, which is renumbered from Section 27-12-21 is renumbered and amended to read:

[27-12-21]. 72-3-102. State highways -- Class A state roads.

(1) ~~[All roads and streets designated as state]~~ State highways comprise highways, roads, and streets designated under Chapter 4, Designation of State Highways.

(2) State highways are class A state roads.

~~[(2)]~~ (3) The department has jurisdiction and control over all state highways ~~[and the]~~.

(4) The department shall construct and maintain each state ~~[highways shall be constructed and maintained by the department from]~~ highway using funds made available for that purpose.

Section 72. Section **72-3-103**, which is renumbered from Section 27-12-22 is renumbered and amended to read:

~~[27-12-22].~~ **72-3-103. County roads -- Class B roads -- Construction and maintenance by counties.**

(1) County roads comprise all public highways, roads, and streets within the state that:

(a) ~~[not designated as state highways that]~~ are situated outside of incorporated municipalities and not designated as state highways;

(b) ~~[that]~~ have been designated as county roads; ~~[and]~~ or

(c) ~~[those public roads]~~ are located ~~[within a national forest]~~ on property under the control of a federal agency and constructed or maintained by the county under agreement with the appropriate federal agency.

(2) County roads are class B roads.

(3) ~~[County roads are under the]~~ The county governing body has jurisdiction and control of ~~[the] county [governing bodies of the respective counties and shall be constructed and maintained by or under the authority of the county governing bodies of the respective counties from]~~ roads within the county.

(4) The county shall construct and maintain each county road using funds made available for that purpose.

~~[(4)]~~ (5) The county legislative body ~~[has authority to]~~ may expend ~~[or by contract cause to be expended the]~~ funds allocated to each county from the Transportation Fund under rules made by the department.

~~[(5) When the]~~ (6) A county legislative body ~~[considers the funds available for county road~~

purposes from sources other than the levy made against tangible property adequate to properly construct and maintain the class B roads, the county] may[: (a) cease making a levy for county road purposes; or (b)] use any portion of the class B road funds provided by this chapter for the construction and maintenance of class A state roads by cooperative agreement with the department.

(7) A county may enter into agreements with the appropriate federal agency for the use of federal funds, county road funds, and donations to county road funds to construct, improve, or maintain county roads within or partly within national forests.

Section 73. Section **72-3-104**, which is renumbered from Section 27-12-23 is renumbered and amended to read:

~~[27-12-23].~~ **72-3-104. City streets -- Class C roads -- Construction and maintenance.**

(1) City streets comprise:

(a) highways, roads, and streets within the corporate limits of the municipalities that are not designated as class A state roads or as class B roads; and

(b) those highways, roads, and streets located within a national forest and constructed or maintained by the municipality under agreement with the appropriate federal agency.

(2) City streets are ~~[under the]~~ class C roads.

(3) The municipal governing body has jurisdiction and control of the [governing officials of] city streets within the municipality.

~~[(3) City streets are class C roads.]~~

(4) The department shall cooperate with the municipal legislative body in the construction and maintenance of the class C roads within each municipality~~[- and the]~~.

(5) The municipal legislative body shall expend or cause to be expended upon the class C roads the ~~[amount]~~ funds allocated to each municipality from the Transportation Fund under rules made by the department.

~~[(5)]~~ (6) Any town or city in the third class may:

(a) contract with the county or the department for the construction and maintenance of class C roads within its corporate limits; or

(b) transfer, with the consent of the county, its:

(i) class C roads to the class B road system; and
 (ii) funds allocated from the Transportation Fund to the municipality to the county legislative body for use upon the transferred class C roads.

~~[(6) When the]~~ (7) A municipal legislative body of any municipality of the third class ~~[considers the funds available for road purposes from sources other than the levy made against tangible property adequate to properly construct and maintain the class C roads within any municipality, the municipal legislative body]~~ may use any portion of the class C road funds allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state roads within the municipal limits by cooperative agreement with the department.

Section 74. Section **72-3-105**, which is renumbered from Section 27-15-3 is renumbered and amended to read:

~~[27-15-3].~~ **72-3-105. Maps to be prepared by county -- Indication of roads.**

(1) As used in this section, "class D road" means any road, way, or other land surface route that has been or is established by use or constructed and is maintained to provide reasonably passable for usage by the public for vehicles with four or more wheels that is not a class A, class B, or class C road under this title.

(2) Each class D road is part of the highway and road system within the state with the same force and effect as if the class D road had been included within this system upon its being first established or constructed.

(3) Each county shall prepare maps showing to the best of its ability the class D roads within its boundaries which were in existence as of October 21, 1976. Preparation of these maps may be done by the county itself or through any multi-county planning district in which the county participates. A county shall be given a minimum of two years to complete mapping of the class D roads within its boundaries.

~~[(2)]~~ (4) Any class D road which is established or constructed after October 21, 1976, shall ~~[similarly]~~ be reflected on maps prepared as provided in Subsection ~~[(1)]~~ (3).

~~[(3) Upon completion]~~ (5) The county shall provide a copy of any map [provided for] under [either] Subsection [(1)] (3) or [Subsection (2) the county shall provide a copy of it] (4) upon

completion to the department [~~of Transportation~~]. [~~This~~]

(6) ~~The~~ department shall scribe each road shown [~~on this map~~] on its own county map series [~~but shall~~]. ~~The department is~~ not [~~be~~] responsible for the validity of any [~~such~~] class D road [~~nor~~] and is not responsible for its being inventoried. The department shall also keep on file an historical map record of the roads as [~~so~~] provided by the counties.

Section 75. Section **72-3-106**, which is renumbered from Section 27-12-24 is renumbered and amended to read:

~~[27-12-24].~~ **72-3-106. Actions to determine priority of use of public roads.**

(1) [~~All actions involving determination of a priority of public use of all highways, roads, streets, paths and ways not otherwise designated as a federal highway, state highway, county road, city street, or special highway shall be by the~~] The county attorney under [~~and by~~] the direction of the county legislative body [~~in which the so designated way resides~~] shall determine a priority of public use of all county roads.

(2) This action may be instigated by the written request of ten taxpayers of [~~said~~] the county to the county legislative body [~~in the county in which the undesignated way is situated~~].

(3) The county legislative body shall request the county attorney to instigate action within a reasonable length of time.

Section 76. Section **72-3-107**, which is renumbered from Section 27-12-26 is renumbered and amended to read:

~~[27-12-26].~~ **72-3-107. County executive to keep plats of roads and highways.**

[~~It shall be the duty of the~~] (1) The county executive of each county [~~to~~] shall determine all county roads existing in [~~its~~] the county [~~, outside of cities and towns,~~] and [~~to~~] prepare and keep current plats and specific descriptions of the [~~same and of such other highways as he may from time to time locate upon public lands, which~~] county roads.

(2) The plats and specific descriptions shall be kept on file in the office of the county clerk or recorder.

Section 77. Section **72-3-108** is enacted to read:

72-3-108. County roads -- Vacation and narrowing.

(1) A county may, by ordinance, vacate, narrow, or change the name of a county road without petition or after petition by a property owner.

(2) A county may not vacate a county road unless notice of the hearing is:

(a) published in a newspaper of general circulation in the county once a week for four consecutive weeks prior to the hearing; or

(b) posted in three public places for four consecutive weeks prior to the hearing and is mailed to all owners of property abutting the county road.

(3) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by vacating or narrowing a county road.

Section 78. Section **72-3-109**, which is renumbered from Section 27-12-88 is renumbered and amended to read:

[27-12-88]. 72-3-109. Division of responsibility with respect to state highways in cities and towns.

[The] (1) Except as provided in Subsection (2), the jurisdiction and responsibility of the department and the [cities and towns for highways designated as] municipalities for state highways within [cities and towns, other than interstate highways,] municipalities is as follows:

[(1)] (a) The department has jurisdiction over and is responsible for the construction and maintenance of:

[(a)] (i) the portion of the state highway located between the back of the curb on either side of the state highway; or

[(b)] (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

(b) The department may widen or improve state highways within municipalities.

(c) (i) [(2)(a) Cities and towns have] A municipality has jurisdiction over all other portions of the right-of-way and [are] is responsible for construction and maintenance of the right-of-way.

[(b)] (ii) If a [city or town] municipality grants permission for the installation of any pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the portion of the right-of-way under its jurisdiction:

[(i)] (A) the permission shall contain the condition that any installation will be removed from

the right-of-way at the request of the ~~[city or town]~~ municipality; and

~~[(ii)]~~ ~~(B)~~ the ~~[city or town]~~ municipality shall cause any installation to be removed at the request of the department when the department finds the removal necessary:

~~[(A)]~~ ~~(I)~~ to eliminate a hazard to traffic safety;

~~[(B)]~~ ~~(II)~~ for the construction and maintenance of the state highway; or

~~[(C)]~~ ~~(III)~~ to meet the requirements of federal regulations.

~~[(3)]~~ ~~(d)~~ If it is necessary that a utility, as defined in Section ~~[27-12-11]~~ 72-6-116, be relocated on ~~[federal-aid highways]~~ a highway eligible for federal aid, reimbursement shall be made for the relocation as provided for in Section ~~[27-12-11]~~ 72-6-116.

~~[(4)]~~ ~~(a)~~ ~~(e)~~ ~~(i)~~ The department shall construct curbs, gutters, and sidewalks on the state highways ~~[when it is found]~~ if necessary ~~[by the department]~~ for the proper control of traffic, driveway entrances, or drainage.

~~[(b)]~~ ~~(ii)~~ If a state highway is widened or altered and existing curbs, gutters, ~~[and]~~ or sidewalks are removed, the department shall replace the curbs, gutters, ~~[and]~~ or sidewalks.

~~[(5)]~~ ~~(f)~~ The department may furnish and install street lighting systems for ~~[the]~~ state highways, but their operation and maintenance is the responsibility of the ~~[city or town]~~ municipality.

~~[(6)]~~ ~~(g)~~ If new storm sewer facilities are necessary in the construction and maintenance of the state highways, the cost of the storm sewer facilities shall be borne by the state and the ~~[city or town]~~ municipality in a proportion mutually agreed upon between the department and the ~~[highway authorities of the city or town]~~ municipality.

~~[(7)]~~ ~~(h)~~ ~~(i)~~ In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules governing the location and construction of approach roads and driveways entering the state highway~~[, and the]~~.

~~(ii)~~ The department may delegate the administration of the rules to the highway authorities of ~~[the city or town]~~ a municipality.

(2) The department has jurisdiction and control over the entire right-of-way of interstate highways within municipalities and is responsible for the construction, maintenance, and regulation

of the interstate highways within municipalities.

Section 79. Section **72-3-110**, which is renumbered from Section 27-12-15 is renumbered and amended to read:

[27-12-15]. 72-3-110. Proposal to bypass or provide alternate route through city or town -- Notice and hearing required.

(1) Whenever the department proposes to construct a highway bypassing any city or town, or to provide an alternate route through or outside any city or town, the commission shall notify the governing officials of the city or town and hold a public hearing, on a date set, for the purpose of advising the citizens of the city or town of the reason or reasons for the highway proposed to be constructed.

(2) The hearing shall be held within the city or town to be bypassed, except that if the highway proposed will bypass or provide an alternate route through or outside of several cities or towns located within close proximity to each other, the commission may combine the hearings and hold them in one city or town centrally and conveniently located to the others at which time each city and town shall be given ample opportunity to be heard.

(3) Subsequent to the hearing, the commission shall notify in writing the officials of the city or town, or of each of the cities or towns if the hearings are combined, of the decision reached as a result of the hearing within ten days from the time the decision is reached.

Section 80. Section **72-3-111**, which is renumbered from Section 27-12-17 is renumbered and amended to read:

[27-12-17]. 72-3-111. Roads and parking spaces in connection with state institutions and areas for recreational activities.

Subject to Section [63-49-12] 72-1-303, the department is authorized to build and maintain roads:

(1) leading to roads and parking spaces on the grounds of state institutions to which roads have not been designated by the Legislature; and

(2) roads and parking spaces to serve areas in immediate proximity to a designated highway used for:

- (a) salt flat races;
- (b) ski meets; and
- (c) activities which are promoted for the general welfare.

Section 81. Section **72-3-112**, which is renumbered from Section 27-12-117 is renumbered and amended to read:

[27-12-117]. 72-3-112. Authority to designate, maintain, and build livestock highways.

(1) ~~[The department, county legislative bodies, and municipal legislative bodies]~~ A highway authority may designate, survey, [build] construct, protect, enter into agreements for, purchase rights-of-way for, and maintain livestock highways.

(2) If state highways with heavy traffic are regularly used for the movement of livestock, the department, county legislative bodies, and municipal legislative bodies shall construct and maintain livestock roads or trails for livestock travel.

(3) A livestock highway or trail is for the purpose of transferring livestock and may not be used for pasturing purposes, except during regular transfer operations. The public may use livestock highways or trails but shall give preference to livestock when livestock is present.

(4) A person may not drive livestock upon the public highways when a livestock highway is available and can be used without undue inconvenience.

(5) A person who violates the provisions of Subsection (4) is guilty of a class B misdemeanor. The court shall impose a:

- (a) fine of not more than \$100;
- (b) jail sentence of not more than 30 days; or
- (c) fine and imprisonment.

Section 82. Section **72-3-201**, which is renumbered from Section 27-12-23.5 is renumbered and amended to read:

Part 2. State Park Access Highways

[27-12-23.5]. 72-3-201. Jurisdiction over highways leading to and within state parks.

(1) As used in this part, "state park access highways" means the highways specified under this part.

~~[(1)]~~ (2) The department, a county, or a [city] municipality has jurisdiction over and responsibility for:

- (a) primary access highways to state parks;
- (b) highways to the main attraction within each state park; and
- (c) highways through state parks providing access to land uses beyond state park boundaries.

~~[(2)]~~ (3) (a) The appropriate entities with jurisdiction over and responsibility for the highways referred to in Subsections ~~[(1)]~~ (2)(a) and (b) are specified in Sections ~~[27-12-23.6]~~ 72-3-202 through ~~[27-12-23.10]~~ 72-3-206.

(b) Jurisdiction over and responsibility for ~~[roads]~~ highways under Subsection ~~[(1)]~~ (2)(c) shall be determined by the commission as described in Sections ~~[27-12-21]~~ 72-3-102, ~~[27-12-22]~~ 72-3-103, and ~~[27-12-23]~~ 72-3-104.

Section 83. Section **72-3-202**, which is renumbered from Section 27-12-23.6 is renumbered and amended to read:

~~[27-12-23.6].~~ **72-3-202. State park access highways -- Anasazi Indian Village State Park to Edge of the Cedars State Park.**

~~[The roads which qualify under Section 27-12-23.5 are as follows]~~ State park access highways include:

(1) ANASAZI INDIAN VILLAGE STATE PARK. Access to the Anasazi Indian Village State Park is at the park entrance located in Garfield County at milepoint 87.8 on State Highway 12. No access road is defined.

(2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the pay gate located in Rich County at milepoint 413.2 on State Highway 89. No access road is defined.

(3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore begins in Rich County at State Highway 30 and proceeds northerly ~~[along]~~ on a county road (L326) a distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich County.

(4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake Rendezvous

Beach is at the park entrance [located] in Rich County at milepoint 124.5 on State Highway 30. No access road is defined.

(5) CAMP FLOYD/STAGECOACH INN STATE PARK. Access to the Camp Floyd/Stagecoach Inn State Park is at the parking area [located] in Utah County at milepoint 20.6 on State Highway 73. No access road is defined.

(6) CORAL PINK SAND DUNES STATE PARK. Access to the Coral Pink Sand Dunes State Park begins in Kane County at State Highway 89 and proceeds southwesterly [along] on a county road a distance of 12.0 miles to the visitor center of the park and is under the jurisdiction of Kane County.

(7) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park begins in Grand County at State Highway 191 and proceeds southwesterly [along] on State Highway 313 a distance of 20.8 miles to the camping area at the park and is under the jurisdiction of UDOT.

(8) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in Wasatch County at State Highway 189 and proceeds southwesterly [along] on State Highway 314 a distance of 0.2 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

(9) EAST CANYON STATE PARK. Access to East Canyon State Park begins in Morgan County at State Highway 66 and proceeds southeasterly [along] on State Highway 306 a distance of 0.1 miles to the parking area at the park and is under the jurisdiction of UDOT.

(10) EDGE OF THE CEDARS STATE PARK. Access to Edge of the Cedars State Park is at the parking area and museum [located] in San Juan County at 660 West 400 North in Blanding, Utah. No access road is defined.

Section 84. Section **72-3-203**, which is renumbered from Section 27-12-23.7 is renumbered and amended to read:

~~[27-12-23.7].~~ **72-3-203. State park access highways -- Escalante State Park to Huntington State Park.**

[The roads which qualify under Section 27-12-23.5 are as follows] State park access highways include:

(1) ESCALANTE STATE PARK. Access to Escalante State Park begins in Garfield County

at State Highway 12 and proceeds northwesterly [~~along~~] on a county road a distance of 1 mile to the park's visitor center and is under the jurisdiction of Garfield County.

(2) FORT BUENAVENTURA STATE PARK. Access to Fort Buenaventura State Park is at the visitor center/contact station [~~located~~] in Weber County at 2450 A Avenue in Ogden[~~, Utah~~]. No access road is defined.

(3) FREMONT INDIAN STATE PARK. Access to the Fremont Indian State Park begins in Sevier County at State Highway 70 and proceeds easterly [~~along~~] on a county road a distance of 2.0 miles to the parking area and visitor center of the park and is under the jurisdiction of Sevier County.

(4) GOBLIN VALLEY STATE PARK. Access to the Goblin Valley State Park begins in Emery County at State Highway 24 and proceeds southwesterly [~~along~~] on a county road 11.7 miles to the overlook/parking area at the park and is under the jurisdiction of Emery County.

(5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in San Juan County at State Highway 261 and proceeds southwesterly [~~along~~] on State Highway 316 a distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction of UDOT.

(6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park begins in Davis County at State Highway 127 and proceeds southwesterly [~~along~~] on a county road a distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of Davis County.

(7) GREAT SALT LAKE STATE PARK. Access to the Great Salt Lake State Park begins in Salt Lake County at Interstate Highway 80 and proceeds southwesterly [~~along~~] on a county road a distance of 1.5 miles to the parking area and marina at the park and is under the jurisdiction of Salt Lake County.

(8) GREEN RIVER STATE PARK. Access to Green River State Park is at the park entrance [~~located~~] in Grand County at Green River [~~Bldv.~~] Boulevard in Green River[~~, Utah~~]. No access road is defined.

(9) GUNLOCK STATE PARK. Access to the Gunlock State Park begins in Washington County at the junction of county road (L009) and a county road and proceeds northwesterly [~~along~~] on a county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction

of Washington County.

(10) HUNTINGTON STATE PARK. Access to the Huntington State Park begins in Emery County at State Highway 10 and proceeds northwesterly [~~along~~] on a county road a distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

Section 85. Section **72-3-204**, which is renumbered from Section 27-12-23.8 is renumbered and amended to read:

~~[27-12-23.8].~~ **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**

~~[The roads that qualify under Section 27-12-23.5 are as follows]~~ State park access highways include:

(1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate [~~located~~] in Cache County at 405 West 300 South in Hyrum[~~, Utah~~]. No access road is defined.

(2) IRON MISSION STATE PARK. Access to Iron Mission State Park is at the parking area and museum [~~located~~] in Iron County at milepoint 3.3 on State Highway 130 [~~at~~] at 585 North Main St. in Cedar City[~~, Utah~~]. No access road is defined.

(3) JORDAN RIVER STATE PARK. Access to Jordan River State Park is at the park entrance [~~located~~] in Salt Lake County at milepoint 61.3 on State Highway 68 [~~at~~] at 1084 North Redwood [~~Rd.~~] Road in Salt Lake City[~~, Utah~~]. No access road is defined.

(4) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and proceeds southeasterly [~~along~~] on State Highway 319 a distance of 1.4 miles to the [~~marina/parking~~] marina parking area at the park and is under the jurisdiction of UDOT.

(5) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway 32 and proceeds northwesterly [~~along~~] on a county road a distance of 0.6 miles to the parking area at the park and is under the jurisdiction of the county.

(6) JORDANELLE STATE PARK (ROCK CREEK). Access to Jordanelle State Park Rock Creek begins in Wasatch County at State Highway 189 and proceeds southerly [~~along~~] on a county

road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction of the county.

(7) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State Park begins in Kane County at State Highway 12 and proceeds southeasterly [along] on a county road 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane County.

(8) LOST CREEK STATE PARK. Access to the Lost Creek State Park begins in Morgan County at Interstate Highway 84 and proceeds northeasterly [along] on a county road a distance of 12.8 miles to the parking/boat launch area at the park and is under the jurisdiction of Morgan County.

(9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery County at State Highway 10 and proceeds northwesterly [along] on a county road (L122) a distance of 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

(10) MINERSVILLE STATE PARK. Access to the Minersville State Park begins in Beaver County at State Highway 21 and proceeds northwesterly [along] on State Highway 310 a distance of 0.3 miles to the visitor center/contact station at the park and is under the jurisdiction of UDOT.

(11) NEWSPAPER ROCK STATE PARK. Access to the Newspaper Rock State Park begins in San Juan County at State Highway 191 and proceeds southwesterly [along] on State Highway 211 a distance of 12.4 miles to the parking area at the park and is under the jurisdiction of UDOT.

(12) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the pay gate/contact station [located] in Piute County at milepoint 6.4 on State Highway 22. No access road is defined.

(13) PAINTED ROCKS (Yuba East Shore). Access to the Painted Rocks [(Yuba East Shore)] begins in Sanpete County at State Highway 28 and proceeds westerly [along] on a county road a distance of 2.0 miles to the parking/boat launch area at the park and is under the jurisdiction of Sanpete County.

Section 86. Section **72-3-205**, which is renumbered from Section 27-12-23.9 is renumbered and amended to read:

~~[27-12-23.9]~~. **72-3-205**. State park access highways -- Palisade State Park to

Starvation State Park.

[The roads which qualify under Section 27-12-23.5 are as follows] State park access highways include:

(1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete County at State Highway 89 and proceeds northeasterly [along] on a county road a distance of 2.2 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete County.

(2) PIONEER TRAILS STATE PARK. Access to Pioneer Trails State Park is at the park entrance [located] in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake City[, Utah]. No access road is defined.

(3) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at State Highway 89 and proceeds southeasterly [along] on a county road a distance of 1.0 miles to the parking area at the park and is under the jurisdiction of Piute County.

(4) QUAIL CREEK STATE PARK. Access to the Quail Creek State Park begins in Washington County at State Highway 9 and proceeds northerly [along] on State Highway 318 a distance of 2.2 miles to the pay gate/contact station at the park and is under the jurisdiction of UDOT.

(5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah County at State Highway 191 and proceeds easterly [along] on a county road a distance of 2.0 miles to the pay gate at the park and is under the jurisdiction of Uintah County.

(6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit County at State Highway 32 and proceeds northwesterly [along] on State Highway 302 a distance of 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

(7) SCOFIELD (Mountain View). Access to Scofield [(Mountain View)] is at the boat launch [located] in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

(8) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park [(Mountain View)] Madsen Bay is at the park entrance [located] in Carbon County at milepoint 12.3 on State Highway 96. No access road is defined.

(9) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park begins in

Washington County at [Route] State Highway 18 near mile post 4 in St. George west on the Tuacahn Parkway to Federal Route 3200 then north on Federal Route 3200 to the south boundary of the Snow Canyon State Park.

(10) STARVATION STATE PARK. Access to the Starvation State Park begins in Duchesne County at State Highway 40 and proceeds northwesterly [along] on State Highway 311 a distance of 2.2 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

Section 87. Section **72-3-206**, which is renumbered from Section 27-12-23.10 is renumbered and amended to read:

~~[27-12-23.10].~~ **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

~~[The roads which qualify under Section 27-12-23.5 are as follows]~~ State park access highways include:

(1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah County at State Highway 191 and proceeds northwesterly [along] on State Highway 301 a distance of 1.7 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

(2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial Statehouse State Park is at the parking area [located] in Millard County at milepoint 1.0 on State Highway 100. No access road is defined.

(3) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah Field House of Natural History State Park is at the parking area [located] in Uintah County at milepoint 145.8 on State Highway 40 [f] at 235 East Main in Vernal[~~, Utah~~]. No access road is defined.

(4) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah County at State Highway 114 and proceeds westerly [along] on a county road a distance of 2.5 miles to the pay gate at the park and is under the jurisdiction of Utah County.

(5) VETERAN'S MEMORIAL CEMETERY. Access to the Veteran's Memorial Cemetery is at the cemetery entrance [located] in Utah County at 17111 South Camp Williams [~~Rd.~~] Road in [~~Riverton, Utah~~] Bluffdale. No access road is defined.

(6) WASATCH MOUNTAIN STATE PARK. Access to the Wasatch Mountain State Park begins in Wasatch County on State Route 40 at the junction of Federal Route 3130, a county road, then westerly on Federal Route 3130 on River Road, Burgi Lane, and Cari Lane, county and city roads, to State [Route] Highway 224 then northwesterly on State [Route] Highway 224 to the campground entrance.

(7) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park [(South)] begins in Box Elder County at a county road and proceeds northwesterly [along] on State Highway 312 a distance of 0.2 miles to the marina parking at the park and is under the jurisdiction of UDOT.

(8) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park [(North)] begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly [along] on State Highway 315 a distance of 0.6 miles to the marina parking at the park and is under the jurisdiction of UDOT.

(9) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at Interstate Highway 15 and proceeds southerly [along] on county road (L203) a distance of 4.1 miles to the pay gate at the park and is under the jurisdiction of Juab County.

Section 88. Section **72-3-207**, which is renumbered from Section 27-12-23.11 is renumbered and amended to read:

~~[27-12-23.11]~~. **72-3-207. State Park Access Highways Improvement Program**
-- Distribution -- Rulemaking.

(1) There is created the State Park Access Highways Improvement Program within the department.

(2) The program shall be funded from the following revenue sources:

(a) any voluntary contributions received for improvements to state park access highways;
and

(b) appropriations made to the program by the Legislature.

(3) The department may use the program monies as matching grants to a county or municipality for the improvement of class B or class C roads specified [under Sections 27-12-23.6

through ~~27-12-23.10~~] as state park access highways under this part subject to:

- (a) monies available in the program;
 - (b) prioritization of the program monies by the commission;
 - (c) a county or municipality providing at least 50% of the cost of each improvement project in matching funds; and
 - (d) rules made under Subsection (4).
- (4) The department shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to administer the program and to establish the procedures for a county or [city] municipality to apply for a grant of program monies.
- (5) All appropriations made to the program by the Legislature are nonlapsing.

Section 89. Section **72-4-101** is enacted to read:

CHAPTER 4. DESIGNATION OF STATE HIGHWAYS

Part 1. State Highways

72-4-101. Title.

This chapter is known as the "Designation of State Highways Act."

Section 90. Section **72-4-102**, which is renumbered from Section 27-12-27 is renumbered and amended to read:

~~[27-12-27].~~ **72-4-102. Additions to or deletions from state highway system -- Designation of highways as state highways between sessions.**

- (1) (a) At each general session of the Legislature, the Legislature may add to or delete highways or sections of highways from the state highway system.
- (b) The department shall submit to the Legislature a list of highways or sections of highways the commission recommends for addition to or deletion from the state highway system.
- (c) (i) All recommendations shall be based on minimum qualifying standards established by the commission.
- (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules to establish the minimum qualifying standards for highways to be included on the state highway system.

(2) Between sessions of the Legislature, highways may be designated as state highways or deleted from the state highway system if:

(a) approved by the commission in accordance with the standards made under Subsection (1); and

(b) the highways are included in the list of recommendations submitted to the Legislature in the next year for legislative approval or disapproval.

Section 91. Section **72-4-103**, which is renumbered from Section 27-12-28 is renumbered and amended to read:

[27-12-28]. 72-4-103. Deletion of highway from state highway system -- Return to county or municipality or abandonment.

When a state highway or portion of a state highway is deleted from the state highway system by the Legislature or the commission, the department shall:

(1) return or relinquish the state highway or portion of the state highway to the county[, city, or town] or municipality in which it is situated; or

(2) abandon the state highway or portion of the state highway if it no longer serves the purpose of a highway.

Section 92. Section **72-4-104**, which is renumbered from Section 27-12-29 is renumbered and amended to read:

[27-12-29]. 72-4-104. Disposition of portion of highways realigned.

(1) The department may make changes in the alignment of state highways to provide for greater highway safety or more economical highway operation and maintenance.

(2) When a state highway is realigned, the former portion of it may be:

(a) returned or relinquished to the county[, city, or town] or municipality in which it is situated to be maintained as a highway; or

(b) abandoned by the department if it no longer serves the purpose of a highway.

Section 93. Section **72-4-105**, which is renumbered from Section 27-12-30 is renumbered and amended to read:

[27-12-30]. 72-4-105. Designation of state highways in municipalities.

If the route of a state highway extends into or through a [city or town] municipality and the Legislature has not specifically designated the location of the highway within the [city or town] municipality, the commission, in cooperation with the [city or town] municipality, shall [select and] designate the streets of the [city or town] municipality over which the state highway shall be routed. The designated streets shall be part of the state highway system without compensation to the [city or town] municipality.

Section 94. Section **72-4-106**, which is renumbered from Section 27-12-31.1 is renumbered and amended to read:

~~[27-12-31.1].~~ **72-4-106. State highways -- SR-6, SR-9, SR-10.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-6. From the Utah-Nevada state line easterly [via] through Delta and Tintic Junction to the northbound ramps of the North Santaquin Interchange of Route 15; then ~~[commencing]~~ beginning again at the Moark Connection Interchange of Route 15 easterly [via] through Spanish Fork Canyon and Price to Route 70 west of Green River.

(2) SR-9. From ~~[a junction with]~~ Route 15 at Harrisburg Junction easterly to Zion National Park south boundary ~~[, and from]~~ through the Zion National Park east boundary to Route 89 at Mt. Carmel Junction.

(3) SR-10. From a junction with Route 70 [near] east of Fremont Junction northeasterly to Route 55 in Price.

Section 95. Section **72-4-107**, which is renumbered from Section 27-12-32.1 is renumbered and amended to read:

~~[27-12-32.1].~~ **72-4-107. State highways -- SR-11 to SR-20.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-11. From the Utah-Arizona state line south of Kanab northerly to Route 89 in Kanab.

(2) SR-12. From Route 89 at Bryce Canyon Junction easterly [via] through Tropic Junction and Escalante then northerly [via] through Boulder and Grover to Route 24 east of Torrey.

(3) SR-13. From ~~[a junction with]~~ Route 91 in Brigham City northerly [via] through Bear River and Haws Corner to 20800 North, northwest of Plymouth, ~~[thence]~~ then west to the

southbound on- and off-ramps of Route 15 Plymouth Interchange.

(4) SR-14. From ~~[a junction with]~~ Route 130 in Cedar City southeasterly to Route 89 at Long Valley Junction.

(5) SR-15. From the Utah-Arizona state line near St. George to the Utah-Idaho state line south of Malad, Idaho, ~~[traversing the alignment of]~~ on interstate Route 15.

(6) SR-16. From the Utah-Wyoming state line ~~[at a point]~~ northwesterly ten miles ~~[southeasterly from]~~ through Woodruff then northerly to Route 30 at Sage Creek Junction.

(7) SR-17. From Route 9 in LaVerkin northerly to Route 15 at Anderson Junction.

(8) SR-18. From Route 15 in south ~~[of]~~ St. George northerly to Route 56 at Beryl Junction.

(9) SR-19. From Route 70 west of Green River easterly ~~[via]~~ through Green River to Route 70 near Elgin.

(10) SR-20. From Route 15, 14 miles north of Paragonah easterly to Route 89 at Orton.

Section 96. Section **72-4-108**, which is renumbered from Section 27-12-33.1 is renumbered and amended to read:

~~[27-12-33.1].~~ **72-4-108.** State highways -- **SR-21 to SR-26, SR-28 to SR-30.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-21. From the Utah-Nevada state line near Garrison southerly and easterly to Beaver ~~[on]~~ to Route 160.

(2) SR-22. From Antimony Bridge northerly to Route 62.

(3) SR-23. From Route 91 south of Wellsville northerly ~~[via]~~ through Wellsville, Mendon, Petersboro, Newton, and Cornish to the Utah-Idaho state line near Weston, Idaho.

(4) SR-24. From Route 50 near Salina southerly ~~[via]~~ through Loa to Hanksville; ~~[thence]~~ then northeasterly to Route 70 at Buckmaster Interchange west of Green River.

(5) SR-25. From Fish Lake Junction on Route 24 northerly to near Bowery Haven Campground.

(6) SR-26. From Route 126 in Roy easterly to Route 89 in Ogden.

(7) SR-28. From Route 89 in Gunnison northerly ~~[via]~~ through Levan to the southbound on- and off-ramps of Route 15 at the South Nephi Interchange.

(8) SR-29. From Joes Valley Reservoir easterly [via] through Orangeville Junction to Route 10 north of Castle Dale.

(9) SR-30. From the Utah-Nevada state line northeasterly [via] through Curlew Junction to Route 84 west of Snowville; [~~thence commencing~~] then beginning again at a junction with Route 15 west of Riverside easterly [via] through Collinston to Route 91 in Logan; [~~thence commencing~~] then beginning again at a junction with Route 89 in Garden City southeasterly [via] through Sage Creek Junction to the Utah-Wyoming state line.

Section 97. Section **72-4-109**, which is renumbered from Section 27-12-34.1 is renumbered and amended to read:

~~[27-12-34.1].~~ **72-4-109. State highways -- SR-31, SR-32, SR-34 to SR-40.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-31. From Route 89 in Fairview southeasterly to Route 10 in Huntington.

(2) SR-32. From Route 40 north of Heber City, northeasterly to a junction with Route 35 at Francis; [~~thence~~] then north [via] through Kamas to the Route 80 westbound off-ramp northeast of Wanship.

(3) SR-34. From Route 18 east [via] on 100 North Street in St. George to the east side curb of River Road.

(4) SR-35. From Route 32 at Francis southeasterly [via] through Tabiona to Route 87 north of Duchesne.

(5) SR-36. Two separate sections from Route 6 to Tintic Junction: the first, beginning near mile post 138 to Tintic Junction, and the second, beginning near mile post 136 to Tintic Junction, [~~thence~~] then northerly [via] through Tooele and Mills Junction to Route 80 at the Tooele-Grantsville Interchange.

(6) SR-37. From Route 126 in Sunset west [via] through Clinton to south of Hooper; [~~thence~~] then northerly through Hooper to west of [~~Kanesville~~] West Haven; [~~thence~~] then east [via ~~Kanesville~~] through West Haven to Route 108 near Roy.

(7) SR-38. From Route 13 in Brigham City northerly [via] through Honeyville and Deweyville to Route 30 in Collinston.

(8) SR-39. From Route 134 easterly [via] on Twelfth Street in Ogden and Ogden Canyon to Route 16 in Woodruff.

(9) SR-40. From Route 80 at Silver Creek Junction [easterly via] southerly through Heber City[,] then easterly through Duchesne, [and] Vernal, and Jensen to the Utah-Colorado state line.

Section 98. Section **72-4-110**, which is renumbered from Section 27-12-35.1 is renumbered and amended to read:

[27-12-35.1]. **72-4-110.** State highways -- **SR-41 to SR-46, SR-48, SR-50.**

[The following named roads are designated as state] State highways include:

(1) SR-41. From Route 15 south of Nephi northerly [via] through Nephi to Route 15 north of Nephi.

(2) SR-42. From the Utah-Idaho state line near Strevell, Idaho, easterly to Route 30 at Curlew Junction.

(3) SR-43. From the Utah-Wyoming state line about 6-1/2 miles west of Manila easterly through Manila to the Utah-Wyoming state line about three miles east of Manila.

(4) SR-44. From Route 191 at Greendale Junction northwesterly to Route 43 in Manila.

(5) SR-45. From the Evacuation Wash Area south of Bonanza northwesterly [via] through Bonanza to Route 40 southeast of Vernal, near Naples.

(6) SR-46. From Route 191 at LaSal Junction easterly to the Utah-Colorado state line.

(7) SR-48. From a point 1.8 miles west of the post office in Copperton easterly to North Holden Street in Midvale; [thence] then north [via] on North Holden Street and 700 West Street to 7200 South Street; [thence] then east to Route 89.

(8) SR-50. From Route 6 in Delta southeasterly to Holden, [thence] then northerly to Route 15 and [commencing] beginning again at Route 15 near Scipio; [thence] then easterly to Main Street in Scipio; [thence] then south [via] on Main Street to Center Street in Scipio; [thence] then southeasterly to a junction with Route 89 in Salina.

Section 99. Section **72-4-111**, which is renumbered from Section 27-12-36.1 is renumbered and amended to read:

[27-12-36.1]. **72-4-111.** State highways -- **SR-51 to SR-60.**

[The following named roads are designated as state] State highways include:

- (1) SR-51. From Route 147 in Spanish Fork northeasterly to Route 89 in Springville.
- (2) SR-52. From Route 114 easterly [via] on 8th North in Orem to Route 189 at Olmstead.
- (3) SR-53. From Route 15 easterly [via] on Twenty-fourth Street in Ogden to Route 89.
- (4) SR-54. From Mona easterly to the on and off ramps east of Route 15 at the Mona

Interchange.

(5) SR-55. From Route 6 west of Price easterly [coincident with] on First North Street to 3rd East Street; [thence] then south [coincident with] on 3rd East Street to Main Street; [thence] then easterly and southerly to Route 6 near Price southeast corporate limits.

- (6) SR-56. From the Utah-Nevada state line easterly to Route 130 in Cedar City.
- (7) SR-57. From Route 10 northerly to the Wilberg Mine northwest of Orangeville.
- (8) SR-58. From the Utah-Nevada state line easterly [via] through Wendover to Route 80.
- (9) SR-59. From the Utah-Arizona state line northwesterly to Route 9 in Hurricane.
- (10) SR-60. From Route 26 at Riverdale Junction easterly to Route 89.

Section 100. Section **72-4-112**, which is renumbered from Section 27-12-37.1 is renumbered and amended to read:

~~[27-12-37.1].~~ **72-4-112.** **State highways -- SR-61 to SR-66, SR-68, and SR-70.**

[The following named roads are designated as state] State highways include:

- (1) SR-61. From Route 23 [at] in Cornish easterly to Route 91 at Webster Junction.
- (2) SR-62. From Route 89 south of Junction easterly [via] through Kingston to near Otter Creek Reservoir; [thence] then northerly to Route 24 at Plateau Junction.
- (3) SR-63. From Bryce National Park north boundary northerly to Tropic Junction on Route 12.
- (4) SR-64. From Route 15 south of Holden northerly to Route 50.
- (5) SR-65. From Route 80 near Mt. Dell Reservoir northeasterly [via] on the Brigham Young Memorial Highway to Henefer; [thence] then northeasterly to Route 84.
- (6) SR-66. From Route 65 near East Canyon Reservoir northerly [via] through Porterville to Route 84 in Morgan.

(7) SR-68. From Route 6 at Elberta northerly [via] on Redwood Road and Fifth South Street in Bountiful to a junction with Route 106, 2nd West, in Bountiful.

(8) SR-70. From Route 15 near Cove Fort to the Utah-Colorado state line west of Grand Junction, Colorado, [traversing the alignment of] on interstate Route 70.

Section 101. Section **72-4-113**, which is renumbered from Section 27-12-38.1 is renumbered and amended to read:

~~[27-12-38.1].~~ **72-4-113. State highways -- SR-71 to SR-80.**

[The following named roads are designated as state] State highways include:

(1) SR-71. From Route 68 in Riverton easterly to Seventh East Street in Draper; [thence] then northerly [via] on Seventh East and Ninth East Streets to Route 186 at Seventh East Street and Fourth South Street in Salt Lake City.

(2) SR-72. From Route 24 in Loa northerly to a junction with Route 70 and Route 10 near Fremont Junction.

(3) SR-73. From Route 36 northeast of St. John Station southeasterly [via] on Five Mile Pass; [thence] then northeasterly [via ~~Lehi~~] to Route 89 [east of] in Lehi.

(4) SR-74. From Route 89 in American Fork northerly to Alpine.

(5) SR-75. From Route 15 northwest of Springville easterly to Route 89 near Ironton.

(6) SR-76. From Route 70 easterly to old Fremont Junction on Route 72.

(7) SR-77. From Route 147 north of Benjamin north [via] through Barney Corner; [thence] then easterly to Route 89 in Springville.

(8) SR-78. From Route 15 at the Mills Junction Interchange northerly to west of Levan; [thence] then east to Route 28 in Levan.

(9) SR-79. From Route 126 easterly [via] on Thirty-first Street in Ogden to the lane separation, [thence] then on eastbound lane only to Route 89; then easterly [via] on Thirtieth Street to Route 203; [commencing] beginning again at Thirtieth Street and Route 89 then westerly on the westbound lane only to merge with eastbound lanes.

(10) SR-80. From the Utah-Nevada state line in Wendover to the Utah-Wyoming state line west of Evanston, Wyoming, [traversing the alignment of] on Interstate 80.

Section 102. Section **72-4-114**, which is renumbered from Section 27-12-39.1 is renumbered and amended to read:

27-12-39.1. **72-4-114**. State highways -- **SR-81 to SR-84, SR-86 to SR-90**.

[The following named roads are designated as state] State highways include:

- (1) SR-81. From Route 30 north to Fielding.
- (2) SR-82. From Route 102 north [~~via~~ on] 300 East Street in Tremonton to Garland; [~~thence~~] then east approximately 0.8 mile; [~~thence~~] then north to Route 13.
- (3) SR-83. From Route 13 in Corinne westerly to Lampo Junction; [~~thence~~] then northerly to Route 84 at Howell Interchange.
- (4) SR-84. From the Utah-Idaho state line near Snowville to a point on Route 15 at the Tremonton Interchange; [~~thence~~] then from another point on Route 15 near Roy to Route 80 near Echo, traversing the alignment of interstate Route 84.
- (5) SR-86. From Route 65 at Henefer westerly to Route 84.
- (6) SR-87. From Route 40 in Duchesne northerly; [~~thence~~] then easterly [~~via~~] through Altamont; ~~thence~~ southeasterly [~~via~~] through Upalco; [~~thence~~] then east to Route 40 southwest of Roosevelt.
- (7) SR-88. From the south end of the Green River Bridge south of Ouray northerly to Route 40 east of Ft. Duchesne.
- (8) SR-89. From the Utah-Arizona state line northwest of Page, Arizona, westerly to Kanab; [~~thence~~] then northerly to a junction with Route 70 near Sevier Junction; [~~thence-commencing~~] then beginning again at the junction with Route 70 south of Salina, northerly [~~via~~] through Salina, Gunnison and Mt. Pleasant to a junction with Route 6 at Thistle Junction; [~~then-commencing~~] beginning again at a junction with Route 6 at Moark Junction northerly [~~via~~] through Springville, Provo, Orem, and American Fork to Route 15 north of Lehi; then [~~commencing~~] beginning again at a junction with Route 15 near Draper Crossroads northerly via Murray and Salt Lake City to a junction with Route 15 at Beck Interchange; then [~~commencing~~] beginning again at a junction with Route 15 near Orchard Drive northerly [~~via~~] through Bountiful to a junction with Route 15 at North Bountiful Interchange; then [~~commencing~~] beginning again at a junction with Route 15 at Lagoon

Junction northerly [via] through Uintah Junction and Ogden to Route 91 near south city limits of Brigham City; then [commencing] beginning again at a junction with Route 91 in Logan northeasterly to Garden City; [thence] then north to the Utah-Idaho state line.

(9) SR-90. From Route 13 in Brigham easterly [via] on 2nd South Street to Route 91.

Section 103. Section **72-4-115**, which is renumbered from Section 27-12-40.1 is renumbered and amended to read:

~~[27-12-40.1].~~ **72-4-115. State highways -- SR-91 to SR-100.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-91. From Route 15 south of Brigham City; [thence] then easterly [via] through Brigham Canyon and Logan to the Utah-Idaho state line near Franklin, Idaho.

(2) SR-92. From Route 15 near Point of the Mountain east [via] through American Fork Canyon to Route 189 in Provo Canyon.

(3) SR-93. From the on- and off-ramps on the west side of Route 15, east along the south city limits of Woods Cross to Route 89.

(4) SR-94. From Route 70 northeasterly to Thompson.

(5) SR-95. From Route 24 east of Hanksville southerly crossing near the confluence of the Dirty Devil and Colorado Rivers to a point 4.3 miles south of Blanding on Route 191.

(6) SR-96. From Clear Creek northerly [via] through Scofield to Route 6 near Colton.

(7) SR-97. From Route 108 east [via] on 5600 South Street in Roy to Hill Air Force Base.

(8) SR-98. From Route 37 at Hooper east to Route 108.

(9) SR-99. From Route 15 south of Fillmore northerly [via] through Fillmore to Route 15.

(10) SR-100. From Route 99 in Fillmore westerly then northerly to Route 50 west of Holden.

Section 104. Section **72-4-116**, which is renumbered from Section 27-12-41.1 is renumbered and amended to read:

~~[27-12-41.1].~~ **72-4-116. State highways -- SR-101 to SR-110.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-101. From Wellsville on Route 23 easterly [via] through Hyrum to the Hardware

Ranch with a stub connection to the visitors' center and parking area.

(2) SR-102. From Route 83 east of Lampo Junction northeasterly [via] through Penrose to Thatcher; [thence] then easterly [via] through Tremonton and Deweyville to Route 38.

(3) SR-103. From Route 126 in Clearfield easterly [via] on 650 North Street in Clearfield to Hill Air Force Base main gate.

(4) SR-104. From Route 126 easterly [via] on Wilson Lane, Twentieth Street, and Twenty-first Street in Ogden to Route 204.

(5) SR-105. From Route 15 east [via] on Parrish Lane in Centerville to Route 106.

(6) SR-106. From Route 89 northerly [via] on Second West and Fourth North Street in Bountiful; [thence] then northerly to Sheppard Lane in Farmington; [thence] then west [via] on Sheppard Lane to Route 89.

(7) SR-107. From Route 110 west of West Point easterly [via] through West Point to Route 126 in Clearfield.

(8) SR-108. From the I-15 north bound on- and off-ramps at the Hill Field South Gate Interchange in Layton west to Syracuse; [thence] then north into Weber County; [thence] then northeasterly to Route 126.

(9) SR-109. From Route 126 easterly [via] through Layton to Route 89.

(10) SR-110. From Route 127 west of Syracuse north to Route 37 west of Clinton.

Section 105. Section **72-4-117**, which is renumbered from Section 27-12-42.1 is renumbered and amended to read:

[27-12-42.1]. 72-4-117. State highways -- SR-111 to SR-120.

[The following named roads are designated as state] State highways include:

(1) SR-111. From Route 48 east of Copperton northerly [via] through Bacchus to Route 201 northeast of Magna.

(2) SR-112. From a point east of Grantsville on Route 138 southeasterly to Tooele on Route 36.

(3) SR-113. From Route 189 in Charleston northerly to Midway; [thence] then easterly to Route 40 in Heber City.

(4) SR-114. From Route 89 in Provo westerly [via] on Center Street to Geneva Road; [thence] then northerly [via] through Lakeview, Vineyard, and Geneva to Route 89 in Pleasant Grove.

(5) SR-115. From Route 6 in Payson northerly to Benjamin; [thence] then easterly to Route 156 in Spanish Fork.

(6) SR-116. From Route 132 in Moroni easterly to Route 89 in Mt. Pleasant.

(7) SR-117. From Wales easterly [via] through Chester to Spring City; [thence] then northeasterly to Route 89.

(8) SR-118. From Route 70 easterly [via] through Joseph and Monroe; [thence] then northerly to Route 120 in south Richfield. [~~Commencing~~] Beginning again with Route 120 at 300 North in Richfield, northeasterly to Route 24 near Sigurd.

(9) SR-119. From Route 118 in Richfield easterly to Route 24 at Kings Meadow Canyon.

(10) SR-120. From Route 70 easterly to Main Street in Richfield; [thence] then northerly [via] on Main Street to Route 70 north of Richfield.

Section 106. Section **72-4-118**, which is renumbered from Section 27-12-43.1 is renumbered and amended to read:

~~[27-12-43.1].~~ **72-4-118. State highways -- SR-121 to SR-128, SR-130.**

[The following named roads are designated as state] State highways include:

(1) SR-121. From Route 40 in Roosevelt northerly to Neola; [thence] then easterly [via] through LaPoint and Maeser to Route 40 in Vernal.

(2) SR-122. From the Utah Railway right-of-way line near Hiawatha easterly to Route 10 near Carbon-Emery County line.

(3) SR-123. From Route 6 at Sunnyside Junction easterly to Sunnyside.

(4) SR-124. From Horse Canyon coal mine northerly [via] through Columbia Junction to Route 123.

(5) SR-125. From Route 50 east of Delta easterly to Oak City; [thence] then northerly to Route 132 near Leamington.

(6) SR-126. From Route 15 south of Layton northerly to Route 89 at Hot Springs Junction.

(7) SR-127. From Route 110 easterly [via] on Syracuse Road to a junction with Route 108 in Syracuse.

(8) SR-128. From Route 191 near Moab northeasterly along south bank of Colorado River to Dewey; [thence] then northerly to Route 70 approximately six miles west of Cisco.

(9) SR-130. From Route 15 northerly [via] through Cedar City to Route 21 north of Minersville.

Section 107. Section **72-4-119**, which is renumbered from Section 27-12-44.1 is renumbered and amended to read:

~~[27-12-44.1].~~ **72-4-119. State highways -- SR-131 to SR-134, SR-136 to SR-140.**

[The following named roads are designated as state] State highways include:

(1) SR-131. From Route 15 east [via] on 400 North Street in Bountiful to Route 106.

(2) SR-132. From Route 6 in Lynndyl northeasterly [via] through Leamington to Nephi; [thence] then southeasterly [via] through Fountain Green and Moroni to Route 89 at Pigeon Hollow Junction.

(3) SR-133. From Kanosh south city limits north [via] through Meadow to Route 15 north of Meadow.

(4) SR-134. From Route 37 at Kanesville northerly to Plain City; [thence] then easterly to Route 89 in Pleasant View.

(5) SR-136. From a junction with Route 50 and 125 east of Delta north to Route 6 (unconstructed).

(6) SR-137. From Route 89 in Gunnison easterly to Mayfield; [thence] then northerly to Route 89.

(7) SR-138. From Route 80 at Stansbury Interchange southeasterly [via] through Grantsville to Route 36 at Mills Junction.

(8) SR-139. From Route 6 northerly to Route 157 near Spring Glen.

(9) SR-140. From Route 68 at Bluffdale easterly coincident with the Bluffdale Road to the on and off access ramps on the east side of Route 15.

Section 108. Section **72-4-120**, which is renumbered from Section 27-12-45.1 is renumbered

and amended to read:

~~[27-12-45.1].~~ **72-4-120. State highways -- SR-141 to SR-151.**

[The following named roads are designated state] State highways include:

- (1) SR-141. From Route 6 in Genola to Route 147 west of Payson.
- (2) SR-142. From Route 23 near Newton to Clarkston; [thence] then easterly [via] through Trenton to Route 91 in Richmond.
- (3) SR-143. From Route 15 west of Parowan easterly [via] through Parowan, then southerly to the Panguitch Lake Road, then easterly and northerly coincident with the Panguitch Lake Road to Route 89 in Panguitch.
- (4) SR-144. From Route 92 in American Fork Canyon northerly to Tibble Fork Reservoir.
- (5) SR-145. From Route 15 east [via] on Main Street in American Fork [~~Main Street~~] to Route 89.
- (6) SR-146. From Route 89 at Pleasant Grove northerly to Route 92 near the mouth of American Fork Canyon.
- (7) SR-147. From Route 6 at Payson westerly to McBeth Corner; [thence] then northerly four miles; [thence] then east approximately three miles to Benjamin; [thence] then north approximately one mile; [thence] then easterly crossing Route 89 one mile; [thence] then north to Mapleton; [thence] then west to Route 89.
- (8) SR-148. From Route 14 north to Cedar Breaks National Monument south boundary.
- (9) SR-149. From Route 40 at Jensen northerly to Dinosaur National Monument boundary.
- (10) SR-150. From Route 32 in Kamas easterly to Mirror Lake and northerly to Utah-Wyoming state line.
- (11) SR-151. From Route 68 east [via] on 10400 South Street to 1300 West Street; [thence] then southeasterly to 10600 South Street; [thence] then east [via] on 10600 South Street to [State] Route 15.

Section 109. Section **72-4-121**, which is renumbered from Section 27-12-46.1 is renumbered and amended to read:

~~[27-12-46.1].~~ **72-4-121. State highways -- SR-152 to SR-160.**

[The following named roads are designated as state] State highways include:

- (1) SR-152. From Route 71 at 4800 South Street southeasterly [via] on Van Winkle Expressway to the Route 215 Interchange near 6400 South Street.
- (2) SR-153. From Route 160 in Beaver easterly [via] by Puffer Lake to Route 89 in Junction City.
- (3) SR-154. From Route 15 westerly near 13400 South [via the] on Bangerter Highway to near 3200 West; [thence] then northerly to the westbound off ramp of Route 80 near the Salt Lake International Airport.
- (4) SR-155. From Route 10 in Huntington northeasterly to Cleveland; [thence] then northerly to Route 10 at Washboard Junction.
- (5) SR-156. From Route 6 in Spanish Fork north [via] on Main Street to I-15.
- (6) SR-157. From Route 244 at Poplar and Main Streets in Helper southerly and northeasterly to Kenilworth.
- (7) SR-158. From Eden Junction on Route 39 northerly to the parking lot of Powder Mountain Ski Resort.
- (8) SR-159. From Route 21 near Garrison north to Route 6 near the Utah-Nevada state line.
- (9) SR-160. From Route 15 south of Beaver northerly [via] through Beaver to Route 15 north of Beaver.

Section 110. Section **72-4-122**, which is renumbered from Section 27-12-47.1 is renumbered and amended to read:

~~[27-12-47.1].~~ **72-4-122.** State highways -- **SR-161, SR-163 to SR-165, SR-167, SR-168.**

[The following named roads are designated as state] State highways include:

- (1) SR-161. From Route 70 near Cove Fort northwesterly to Route 15.
- (2) SR-163. From the Utah-Arizona state line southwest of Mexican Hat northeasterly to Route 191 near Bluff and [commencing] beginning again on Route 191 at Bluff easterly to Route 262 at Montezuma Creek.
- (3) SR-164. From Route 15 southwest of Spanish Fork easterly to Route 6 one-half mile

south of Spanish Fork.

(4) SR-165. From Paradise northerly [via] through Hyrum and Nibley to Route 91 in Logan.

(5) SR-167. From Route 84 near Mountain Green northerly [~~coincident with the~~] on Trappers Loop Road to Route 39 south of Huntsville.

(6) SR-168. From the north entrance of Hill Air Force Base northerly to Route 60 in Riverdale.

Section 111. Section **72-4-123**, which is renumbered from Section 27-12-48.1 is renumbered and amended to read:

~~[27-12-48.1].~~ **72-4-123. State highways -- SR-171 to SR-174, SR-180.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-171. From Route 111 at Eighty-fourth West Street and Thirty-fifth South Street easterly [via] on Thirty-fifth South Street and Thirty-third South Street to Route 215 at the east-side belt route.

(2) SR-172. From 6200 South north [~~coincident with~~] on 5600 West to Route 80.

(3) SR-173. From Route 111 southeast of Magna easterly [via] through Kearns and Murray to Route 89 at 5300 South Street in Murray.

(4) SR-174. From Intermountain Power Plant maingate southeasterly to Route 6 south of Lynndyl.

(5) SR-180. From Route 15 southeast of American Fork northerly [via] on Fifth East Street to Route 89 in American Fork.

Section 112. Section **72-4-124**, which is renumbered from Section 27-12-49.1 is renumbered and amended to read:

~~[27-12-49.1].~~ **72-4-124. State highways -- SR-181, SR-184, SR-186, SR-189, SR-190.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-181. From Route 152 north [via] on Thirteenth East Street to Route 186 in Salt Lake City.

(2) SR-184. From Route 89 at North Temple and State Streets in Salt Lake City northerly

[via] on State Street to the State Capitol; [thence] then westerly [via] on Second North and northerly [via] on Columbus Street and Victory Road to Route 89 at Beck Street.

(3) SR-186. From Route [80] 89 east [via] on North Temple Street in Salt Lake City to Third West Street; [thence] then south [via] on Third West Street to Fourth South Street; [thence] then easterly [via] on Fourth South, Tenth East, Fifth South Streets, and Foothill Boulevard to Route 80 near the mouth of Parley's Canyon.

(4) SR-189. From Route 15 south of Provo northerly [via] on University Avenue and Provo Canyon to Route 40 south of Heber.

(5) SR-190. From Route 215 at Knudsen's Corner southeasterly to Route 210 at the mouth of Big Cottonwood Canyon; [thence] then easterly [via] through Big Cottonwood Canyon to Brighton, including Brighton Loop; [thence] then easterly [via] through Guardsman Pass to the Salt Lake-Wasatch County line.

Section 113. Section **72-4-125**, which is renumbered from Section 27-12-50.1 is renumbered and amended to read:

~~[27-12-50.1].~~ **72-4-125. State highways -- SR-191, SR-193, SR-195, SR-197 to SR-200.**

[The following named roads are designated as state] State highways include:

(1) SR-191. From the Utah-Arizona state line south of Bluff northerly [via] through Blanding, Monticello, and Moab to Route 70 at Crescent Junction; then [commencing] beginning again from Route 6 north of Helper northerly [via] through Indian Canyon to Route 40 at Duchesne; then [commencing] beginning again from Route 40 at Vernal northerly [via] through Greendale Junction and Dutch John to the Utah-Wyoming state line.

(2) SR-193. From Route 126 in Clearfield east [via] through the south entrance to Hill Air Force Base to Route 89.

(3) SR-195. From Route 266 near Holladay north [via] on Twenty-third East Street to Route 80.

(4) SR-197. From Route 73 northerly [via] on Fifth West Street to Route 89 in Lehi.

(5) SR-198. From Route 15 northbound ramps of the North Santaquin Interchange

northeasterly [via] through Spring Lake, to 100 North in Payson; then easterly and northeasterly [via] through Salem to 300 South in Spanish Fork; then easterly and southeasterly to Route 6 at Moark Junction.

(6) SR-199. From Dugway Proving Grounds main gate northeasterly [via] through Clover to Route 36.

(7) SR-200. From Route 61 in Lewiston, approximately three miles west of Route 91, north to the Utah-Idaho state line.

Section 114. Section **72-4-126**, which is renumbered from Section 27-12-51.1 is renumbered and amended to read:

~~[27-12-51.1].~~ **72-4-126.** State highways -- **SR-201 to SR-204, SR-208 to SR-211.**

[The following named roads are designated as state] State highways include:

(1) SR-201. From Route 80 at Lake Point Junction east [via] on Twenty-first South Street to Route 89 in Salt Lake City.

(2) SR-202. From Route 201 near Garfield northwesterly [via] through the Garfield Cutoff to Route 80.

(3) SR-203. From Route 89 near Uintah northerly [via] on Harrison Boulevard in Ogden to Route 39.

(4) SR-204. From Route 26 north [via] on Wall Avenue in Ogden to Route 89.

(5) SR-208. From Route 40 east of Fruitland northerly to Route 35 near Tabiona.

(6) SR-209. From Route 68 easterly [via] on Ninetieth South Street; [thence] then southeasterly to Ninety-fourth South Street; [thence] then easterly to Route 210 near the mouth of Little Cottonwood Canyon.

(7) SR-210. From Route 190 at the mouth of Big Cottonwood Canyon southeasterly [via] on Wasatch Boulevard[;] and through Little Cottonwood Canyon, to Alta, including the Alta Bypass.

(8) SR-211. From Dugout Ranch southeasterly; [thence] then northeasterly to Route 191 near Church Rock.

Section 115. Section **72-4-127**, which is renumbered from Section 27-12-52.1 is renumbered and amended to read:

~~[27-12-52.1].~~ **72-4-127. State highways -- SR-212, SR-215, SR-218, SR-219.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-212. From the northwest frontage road of Washington Interchange southeasterly; ~~[thence]~~ then northeasterly and easterly to 300 East Street in Washington.

(2) SR-215. From a junction with Route 80 near the mouth of Parley's Canyon southeast of Salt Lake City, southwesterly to near the south city limits of Murray, junctioning with Route 15, ~~[thence]~~ then northwesterly, northerly, and easterly to a junction with Route 15 north of Salt Lake City, ~~[traversing the alignment of]~~ on interstate Route 215.

(3) SR-218. From Route 23 east of Newton easterly to Route 91 in Smithfield.

(4) SR-219. From the 1984 west corporate limits of Enterprise east to Route 18.

Section 116. Section **72-4-128**, which is renumbered from Section 27-12-53.1 is renumbered and amended to read:

~~[27-12-53.1].~~ **72-4-128. State highways -- SR-224 to SR-228.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-224. From Route 113 in Midway northerly to Pine Creek Campground; ~~[commencing]~~ beginning again at Wasatch-Summit County line ~~[via]~~ through Ontario Canyon and Park City to Route 80 at Kimball Junction.

(2) SR-225. From Route 15 east ~~[via]~~ on Burke Lane to Route 106 in Farmington.

(3) SR-226. From Snow Basin northeasterly to Route 39 near Huntsville.

(4) SR-227. From Route 15 near Glover Lane north ~~[via]~~ on Walker Lane to State Street; ~~[thence]~~ then east to Route 106 in Farmington.

(5) SR-228. From the northbound off-ramp of Route 15 at the South Leeds Interchange; then northerly ~~[via]~~ on Main Street in Leeds to the northbound on-ramp of Route 15; then westerly to the southbound off-ramp of Route 15; and from the southbound on-ramp of Route 15 easterly to Main Street in Leeds.

Section 117. Section **72-4-129**, which is renumbered from Section 27-12-54.1 is renumbered and amended to read:

~~[27-12-54.1].~~ **72-4-129. State highways -- SR-232, SR-235, SR-237 to SR-240.**

[The following named roads are designated as state] State highways include:

- (1) SR-232. From Route 126 in Layton north to the south entrance to Hill Air Force Base.
- (2) SR-235. From Route 89 in Ogden north to North Ogden; [thence] then west to Route 89 in Pleasant View.
- (3) SR-237. From Seventh North Street and Eighth East Street in Logan northerly to Hyde Park; [thence] then west to Route 91 west of Hyde Park.
- (4) SR-238. From Route 165 east to Millville; [thence] then northerly [via] through Providence and River Heights to Route 91 in Logan.
- (5) SR-239. From Route 91 in Logan east [~~coincident with~~] on 1400 North Street to Route 237.
- (6) SR-240. From Route 15 east to Route 38 in Honeyville.

Section 118. Section **72-4-130**, which is renumbered from Section 27-12-55.1 is renumbered and amended to read:

~~[27-12-55.1].~~ **72-4-130.** State highways -- **SR-241, SR-243, SR-244, SR-248.**

[The following named roads are designated as state] State highways include:

- (1) SR-241. From SR-114 east [via] on 1600 North in Orem to the on- and off-ramps on the east side of interstate Route 15.
- (2) SR-243. From Route 89 in Logan Canyon to Beaver Mountain Ski Resort.
- (3) SR-244. From Route 6 in Helper easterly [via] on Poplar Street to Main Street; [thence] then northerly [via] on Main Street to Route 6.
- (4) SR-248. From Route 224 at Park City Junction to Route 40 at the Park City Interchange; [thence] then southeasterly and easterly to Route 32 in Kamas.

Section 119. Section **72-4-131**, which is renumbered from Section 27-12-56.1 is renumbered and amended to read:

~~[27-12-56.1].~~ **72-4-131.** State highways -- **SR-256 to SR-260.**

[The following named roads are designated as state] State highways include:

- (1) SR-256. From 89 north of Salina northerly [via] through Redmond to [a point on] Route 89 south of Axtell.

(2) SR-257. From Route 21 at Milford northeasterly [via] through Black Rock and Deseret to Route 6 near Hinckley.

(3) SR-258. From Route 70 near Elsinore easterly to Route 118 east of Elsinore.

(4) SR-259. From Route 24 near Sigurd, north to I-70 at the Sigurd Interchange.

(5) SR-260. From Route 24 south of Aurora to Route 50 west of Salina.

Section 120. Section **72-4-132**, which is renumbered from Section 27-12-57.1 is renumbered and amended to read:

~~[27-12-57.1].~~ **72-4-132. State highways -- SR-261, SR-262, SR-264 to SR-266, SR-268 to SR-270.**

[The following named roads are designated as state] State highways include:

(1) SR-261. From Route 163 north of Mexican Hat to Route 95 east of Natural Bridges National Monument.

(2) SR-262. From [a point on] Route 191 approximately eleven miles north of Bluff easterly and southerly to [a point] near the San Juan River Bridge; [thence] then southeasterly [via] on Aneth to the Utah-Colorado state line.

(3) SR-264. From Route 31 easterly [via] through Flat Canyon and Eccles Canyon to Route 96 south of Scofield.

(4) SR-265. From Route 114 near Twelfth South Street in Orem southeasterly to Route 189 in Provo.

(5) SR-266. From Route 215 easterly [via] on Forty-seventh South Street and Forty-fifth South Street to Route 215.

(6) SR-268. From Route 15 easterly [via] on 600 North Street to Route 89 in Salt Lake City.

(7) SR-269. From Route 15 [~~(interstate Route 15)~~] easterly [via] on Fifth and Sixth South Streets to Route 89 in Salt Lake City, providing one-way couplets.

(8) SR-270. From Route 15 easterly and northerly [via] on West Temple Street to Route 186 in Salt Lake City.

Section 121. Section **72-4-133**, which is renumbered from Section 27-12-58.1 is renumbered and amended to read:

[27-12-58.1]. **72-4-133.** State highways -- SR-271 to SR-276, SR-279, SR-280.

[The following named roads are designated as state] State highways include:

- (1) SR-271. From Route 274 in Parowan northeasterly to Route 15 north of Paragonah.
- (2) SR-272. From Route 106 (Sheppard Lane) in Farmington northerly to North Farmington Junction.
- (3) SR-273. From Route 89 at North Farmington Junction northerly to Kaysville; [thence] then west [via] on Cherry Street to Route 15.
- (4) SR-274. From Route 143 in Parowan north [coincident with] on Main Street to Route 15 north of Parowan.
- (5) SR-275. From Route 95 northwesterly to the east boundary of Natural Bridges National Monument.
- (6) SR-276. From Route 95 southerly to Glen Canyon National Recreation Area boundary near Bullfrog Basin then [commencing] beginning again at the Glen Canyon National Recreation Area boundary east of Halls Crossing easterly to Route 95.
- (7) SR-279. From the Potash Plant north along the Colorado River to Route 191 north of Moab.
- (8) SR-280. From Route 80 near the south limits of Coalville easterly to Main Street in Coalville.

Section 122. Section **72-4-134**, which is renumbered from Section 27-12-59.1 is renumbered and amended to read:

[27-12-59.1]. **72-4-134.** State highways -- SR-282 to SR-290.

[The following named roads are designated as state] State highways include:

- (1) SR-282. At University of Utah.
 - (a) From 500 South Street north [via] on Campus Center Drive to South Campus Drive.
 - (b) From University Street and 400 South Street easterly and northeasterly [via] on South Campus Drive to Wasatch Drive.
 - (c) From Foothill Boulevard Route 186 northerly [via] on Wasatch Drive to South Medical Drive.

(d) From Wasatch Drive northerly [via] on South Medical Drive and West Medical Drive to North Campus Drive; [thence] then south and southwest to University Street and 100 South Street.

(2) SR-283. From Route 55 in Price north [via] on Third East Street to Sixth North Street; [thence] then east [via] on Sixth North Street to Sixth East Street; [thence] then south [via] on Sixth East Street to Fourth North Street; [thence] then west [via] on Fourth North Street to Third East Street, providing a peripheral road around the College of Eastern Utah.

(3) SR-284. At Weber State University in Ogden.

(a) From 4100 South Street northerly [via] on the peripheral road to Edvalson Street; [thence] then northwesterly and westerly [via] on 3700 South Street to Route 203, Harrison Boulevard.

(b) From Route 203 easterly [via] on 4100 South Street to Taylor Avenue.

(c) Campus North Road from the north-south peripheral road easterly [via] on Edvalson Street to Foothill Drive.

(d) From Route 203, Harrison Boulevard, easterly [via] on 3850 South Street to north-south peripheral road.

(e) From Route 203, Harrison Boulevard, easterly [via] on 4000 South Street to the north-south peripheral road.

(4) SR-285. The Institute for the Deaf. From Twentieth Street in Ogden northwesterly to Monroe Avenue.

(5) SR-286. From Route 235 to and including a peripheral road at the State Industrial School in Ogden.

(6) SR-287. From Route 140 northerly to the Utah State Prison Vehicle Direction Station.

(7) SR-288. From Route 89 at 1200 East in Logan, at Utah State University, [via] on 1200 East and 1000 North to Route 237.

(8) SR-289. At College of Southern Utah. From Route 130 in Cedar City westerly [via] on Center Street to 1150 West Street; [thence] then south to Second South Street; [thence] then east to Third West Street; [thence] then north to Center Street, providing a peripheral road around the College of Southern Utah.

(9) SR-290. At Snow College. From Route 89 in Ephraim easterly [via] on First North Street to Fourth East Street; [thence] then south to Center Street; [thence] then west to Route 89, providing a peripheral road around Snow College.

Section 123. Section **72-4-135**, which is renumbered from Section 27-12-60.1 is renumbered and amended to read:

~~[27-12-60.1].~~ **72-4-135. State highways -- SR-291 to SR-300.**

~~[The following named roads are designated as state]~~ State highways include:

(1) SR-291. The Institute for the Blind. From Route 203, Harrison Boulevard, near Seventh Street in Ogden easterly and southerly to the hospital, including the loop on the southwest side of the hospital.

(2) SR-292. At Salt Lake Community College.

(a) From 2200 West Street easterly [via] on 4520 South for 0.17 miles; [commencing] beginning again at 0.47 mile easterly [via] on 4520 South to Route 68.

(b) From Route 68 westerly [via] on 4600 South for 0.80 miles; [thence] then northerly [via] on 1900 West to 4520 South.

(c) From 4600 South northerly paralleling Route 68 to 4520 South.

(d) From 2200 West easterly [via] on Bruin Boulevard to Route 68.

(3) SR-293. At State Capitol Building. All roads and parking areas within the capitol grounds.

(4) SR-294. At State Mental Hospital. From the main gate on Center Street in Provo easterly to the administration building.

(5) SR-295. Those roads used for drivers' tests at 1200 West in Orem City.

(6) SR-296. At American Fork Training School. From 700 North in American Fork northerly.

(7) SR-297. At State Fair Grounds.

(a) The roadway [commencing] beginning at the main gate of the Fair Grounds at 1st North Street and 9th West Street in Salt Lake City, west to the roadway on the east side of the Coliseum; [thence] then south to the roadway on the north side of the Coliseum; [thence] then west to the

roadway on the west side of the Coliseum; [thence] then south to the roadway on the north side of the cattle barns; [thence] then east to the horticulture building; [thence] then north to the roadway on the south side of the drivers' license building; [thence] then east to the roadway on the east side of the drivers' license building; [thence] then north to the roadway near the main gate, providing a peripheral road around the fair grounds area.

(b) The roadway from the peripheral road on the south, north to the peripheral road on the north.

(c) The roadway from the peripheral road on the west, east [via] on the south side of the Coliseum to Route 297-b.

(d) The roadway from Route 297-c north [via] on the east side of the Coliseum to the peripheral road.

(e) The roadway from Route 297-d near the main entrance to the Coliseum, east to Route 297-b.

(f) The roadway from Route 297-b east to the peripheral road near the southwest corner of the drivers' license building.

(g) The roadway, including the parking area, on the west side of the drivers' license building, from Route 297-f north to the peripheral road.

(8) SR-298. Roads at the Browning Armory in South Ogden used for automotive drivers' ability tests including parking areas.

(9) SR-299. Those roads used for drivers' tests at 2780 West and 4700 South in Salt Lake County.

(10) SR-300. From the southwest boundary of Snow Canyon State Park northerly [via] through Snow Canyon to Route 18.

Section 124. Section **72-4-136**, which is renumbered from Section 27-12-61.1 is renumbered and amended to read:

~~[27-12-61.1].~~ **72-4-136. State highways -- SR-301 to SR-304, SR-306, SR-308 to SR-310.**

[The following named roads are designated as state] State highways include:

(1) SR-301. From the boat ramp at Steinaker State Park northeasterly to Route 44 near the north end of Steinaker Reservoir.

(2) SR-302. From Route 32 near the south end of Rockport Reservoir northwesterly to a point near the north boundary of Rockport State Park.

(3) SR-303. From the Goblin Valley Overlook northerly to the Goblin Valley State Park north boundary.

(4) SR-304. From the parking lot at the beach area in Hyrum State Park northwesterly to a junction with Center Street and Fifth South Street in Hyrum City.

(5) SR-306. From the parking area north to Route 66 near the north end of East Canyon Lake State Park.

(6) SR-308. From a local road at the south boundary of Kodachrome Basin State Park northerly to where pavement ends and one way traffic begins.

(7) SR-309. From a local road northerly to the parking area at Millsite Lake State Park.

(8) SR-310. From the parking area at Minersville Lake State Park east to Route 21.

Section 125. Section **72-4-137**, which is renumbered from Section 27-12-62.1 is renumbered and amended to read:

~~[27-12-62.1].~~ **72-4-137. State highways -- SR-311 to SR-320, SR-666.**

[The following named roads are designated as state] State highways include:

(1) SR-311. From Route 40 northerly to the boat ramp at Starvation Lake State Park.

(2) SR-312. From the parking area at the south marina of Willard Bay State Park east to a local road.

(3) SR-313. From the camping area at Dead Horse Point northerly to Route 191 near Seven Mile Canyon.

(4) SR-314. From Route 189 northwesterly to the boat ramp at Deer Creek Lake State Recreation area.

(5) SR-315. From the parking area at the marina of Willard Bay North State Recreation Area northerly to 750 North in Willard, [thence] then east to Route 89.

(6) SR-316. From the Great Goosenecks of the San Juan State Park northeasterly to Route

261.

(7) SR-317. Roads and parking areas at the [UDOT/DPS] Calvin L. Rampton Complex.

(8) SR-318. From Route 9 northerly to Quail Creek State Park pay gate.

(9) SR-319. From southbound on and off ramps Mayflower Interchange southeasterly to the end of constructed road; [thence] then via proposed road to a point where the boat ramp at the [proposed] Jordanelle State Park will begin.

(10) SR-320. Department of Public Safety Emergency Vehicle Operation Range at Camp Williams.

(11) SR-666. From Route 191 at Monticello east to the Utah-Colorado state line.

Section 126. Section **72-4-201**, which is renumbered from Section 27-12-160 is renumbered and amended to read:

Part 2. Special Designations

~~[27-12-160]~~. **72-4-201. I-15 designated as Veterans' Memorial Highway.**

(1) There is established the Veterans' Memorial Highway composed of the existing Interstate Highway 15 from the Utah-Idaho border to the Utah-Arizona border.

(2) The department shall designate Interstate 15 as the "Veterans' Memorial Highway" on all future state highway maps.

Section 127. Section **72-4-202**, which is renumbered from Section 27-12-161 is renumbered and amended to read:

~~[27-12-161]~~. **72-4-202. Legacy Loop Highway.**

(1) There is established the Legacy Loop Highway comprising the existing highway from Route 15 south of St. George, northerly on Route 18 to Route 56 at Beryl Junction, then easterly on Route 56 to Route 130 in Cedar City, and then northeasterly on Route 130 and county routes 1788 and 1786 to Route 143 in Parowan.

(2) The Department of Transportation shall designate the portions of the highways identified in Subsection (1) as the Legacy Loop Highway on all future state highway maps.

Section 128. Section **72-4-203**, which is renumbered from Section 27-12-162 is renumbered and amended to read:

[27-12-162]. 72-4-203. Utah National Parks Highway.

(1) There is established the Utah National Parks Highway comprising the existing highway from Route 89 at the Utah-Arizona border near Big Water westerly on Route 89 to Route 9 near Mount Carmel Junction then westerly on Route 9 to Route 17 near La Verkin then northerly on Route 17 to Interstate Highway 15 then northerly on Interstate Highway 15 frontage roads, the Veterans' Memorial Highway, to Route 14 near Cedar City then southeasterly on Route 14 to Route 148 near Cedar Breaks National Monument then northerly on Route 148 to Route 143 near the north end of Cedar Breaks National Monument then northeasterly on Route 143 to Route 89 near Panguitch then southerly on Route 89 to Route 12 near Red Canyon then northeasterly on Route 12, the Clem Church Memorial Highway, to Route 24 near Torrey then easterly on Route 24 to Route 95 near Hanksville then southeasterly on Route 95, the Bicentennial Highway, to Route 191 near Blanding then northerly on Route 191 to the junction with Interstate Highway 70 near Crescent Junction.

(2) In addition to other official designations, the Department of Transportation shall designate and highlight the portions of the highways identified in Subsection (1) as the Utah National Parks Highway on all future state highway maps.

Section 129. Section **72-5-101** is enacted to read:

CHAPTER 5. RIGHTS-OF-WAY

Part 1. Public Highways

72-5-101. Title.

This chapter is known as the "Rights-of-way Act."

Section 130. Section **72-5-102**, which is renumbered from Section 27-12-96 is renumbered and amended to read:

[27-12-96]. 72-5-102. Definitions.

~~[The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state highway purposes by gift, agreement, exchange, purchase, condemnation, or otherwise. Highway purposes as]~~ As used in this [chapter] part, "state highway purposes" includes:

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

Section 131. Section **72-5-103**, which is renumbered from Section 27-12-101 is renumbered and amended to read:

~~[27-12-101].~~ **72-5-103. Acquisition of rights-of-way and other real property --**

Title to property acquired.

(1) The department may acquire any real property or interests in real property necessary for temporary, present, or reasonable future state highway purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.

~~[(1)]~~ (2) Title to real property acquired by the department or the counties, cities, and towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway rights-of-way or other highway purposes may be in fee simple or any lesser estate or interest.

~~[(2)]~~ (3) A transfer of land bounded by a highway on a right-of-way for which the public has only an easement passes the title of the person whose estate is transferred to the middle of the highway.

Section 132. Section **72-5-104**, which is renumbered from Section 27-12-89 is renumbered and amended to read:

~~[27-12-89].~~ **72-5-104. Public use constituting dedication.**

A highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten years.

Section 133. Section **72-5-105**, which is renumbered from Section 27-12-90 is renumbered and amended to read:

~~[27-12-90].~~ **72-5-105. Highways once established continue until abandoned.**

All public highways once established shall continue to be highways until abandoned or vacated by order of the highway authorities having jurisdiction over any ~~[such]~~ highway, or by other competent authority.

Section 134. Section **72-5-106**, which is renumbered from Section 27-12-91 is renumbered and amended to read:

~~[27-12-91].~~ **72-5-106. Expiration of franchise of toll bridge or road.**

~~[Whenever]~~ If the franchise of any toll bridge or road expires by limitation, forfeiture, or nonuser ~~[the same becomes]~~ it is a free public highway, and no claim shall be valid against the public for right-of-way or for land or material comprising ~~[such]~~ the bridge or road.

Section 135. Section **72-5-107**, which is renumbered from Section 27-12-92 is renumbered and amended to read:

~~[27-12-92].~~ **72-5-107. United States patents -- Patentee and county to assert claims to roads crossing land.**

(1) (a) ~~[Whenever]~~ If any person ~~[shall acquire]~~ acquires title from the United States to any land in this state over which ~~[there shall at the time extend]~~ any public highway extends that ~~[shall not theretofore have]~~ has not been duly platted, and that ~~[shall not have]~~ has not been continuously used as ~~[such]~~ a public highway for a period of ten years ~~[theretofore, he],~~ the person shall within

three months after receipt of [his] the person's patent assert [his] the person's claim for damages in writing to the county executive of the county in which the land is situated.

(b) The county legislative body shall have an additional period of three months in which to begin proceedings to condemn the land according to law.

(2) (a) The highway shall continue open as a public highway during [said] the periods[;but in-case] described under Subsection (1).

(b) If no action is begun by the county executive within the period [above-stated] described under Subsection (1)(b), the highway shall be considered to be abandoned by the public.

(3) In case of a failure by the person so acquiring title to public lands to assert his claim for damage [as aforesaid for] during the three months from the time [he shall have] the person received a patent to [such] the lands, [he] the person shall thereafter be barred from asserting or recovering any damages by reason of the public highway, and the [same] public highway shall remain open.

Section 136. Section **72-5-108**, which is renumbered from Section 27-12-93 is renumbered and amended to read:

[27-12-93]. 72-5-108. Width of rights-of-way for public highways.

The width of rights-of-way for public highways shall be [such] set as the highway authorities of the state, counties, [cities] or [towns] municipalities may determine for [such] the highways under their respective jurisdiction.

Section 137. Section **72-5-109**, which is renumbered from Section 27-12-94 is renumbered and amended to read:

[27-12-94]. 72-5-109. Contributions of property by counties and municipalities.

Counties[;cities,] and [towns] municipalities may contribute real or personal property to the department for state highway purposes.

Section 138. Section **72-5-110**, which is renumbered from Section 27-12-95 is renumbered and amended to read:

[27-12-95]. 72-5-110. Acquisition of personal property.

The department may acquire by gift, agreement, exchange, purchase, or otherwise machinery, tools, equipment, materials, supplies, or other personal property necessary for the administration,

construction, maintenance, and operation of the state highways, and may sell, exchange, or otherwise dispose of the machinery, tools, equipment, materials, supplies, and other personal property when no longer suitable or required for state highway purposes.

Section 139. Section **72-5-111**, which is renumbered from Section 27-12-97 is renumbered and amended to read:

[27-12-97]. 72-5-111. Disposal of real property.

(1) (a) [Whenever] If the department determines that any real property or interest in real property, acquired for a highway purpose, is no longer necessary for the purpose, the department may lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.

(b) Real property may be sold at private or public sale and the proceeds of the sale shall be turned over to the state treasurer and credited to the Transportation Fund.

(2) In the disposition of land at any private sale, first consideration may be given to the original grantor or his successor-in-interest.

(3) Any sale, exchange, or disposal of real property or interest in real property made by the department pursuant to this section, is exempt from the mineral reservation provisions of Title 65A, Chapter 6, Mineral Leases, and any deed made and delivered by the department pursuant to this section without specific reservations in the deed is a conveyance of all the state's right, title, and interest in the real property or interest in the real property.

Section 140. Section **72-5-112**, which is renumbered from Section 27-12-98 is renumbered and amended to read:

[27-12-98]. 72-5-112. Acquisition of real property from county, city, or other political subdivision -- Exchange.

The department may purchase or otherwise acquire from any county, city, or other political subdivision of the state real property or interests in real property which may be exchanged for or used in the purchase of other real property or interests in real property to be used in connection with the construction, maintenance, or operation of state highways.

Section 141. Section **72-5-113**, which is renumbered from Section 27-12-99 is renumbered and amended to read:

[27-12-99]. 72-5-113. Acquisition of entire lot, block, or tract -- Sale or exchange of remainder.

If a part of an entire lot, block, tract of land, or interest or improvement in real property is to be acquired by the department and the remainder is to be left in a shape or condition of little value to its owner or to give rise to claims or litigation concerning damages, the department may acquire the whole of the [same] property and may sell the remainder or may exchange [~~the same~~] it for other property needed for highway purposes.

Section 142. Section **72-5-114**, which is renumbered from Section 27-12-100 is renumbered and amended to read:

[27-12-100]. 72-5-114. Property acquired in advance of construction -- Lease or rental.

(1) [~~Where the~~] (a) The department [~~finds it advisable to~~] may acquire real property or interests or improvements in real property in advance of the actual construction, reconstruction, or improvement of highways [~~or to acquire the same~~] in order to save on acquisition costs or avoid the payment of excessive damages[~~, the~~].

(b) The real property or interests or improvements in real property may be leased or rented by the department in a manner, for a period of time, and for a sum determined by the department to be in the best interest of the state.

(2) (a) The department may employ private agencies to manage rental properties when it is more economical and in the best interests of the state.

(b) All moneys received for leases and rentals, after deducting any portion to which the federal government may be entitled, shall be deposited with the state treasurer and credited to the Transportation Fund.

Section 143. Section **72-5-115**, which is renumbered from Section 27-12-103 is renumbered and amended to read:

[27-12-103]. 72-5-115. Acquisition of property devoted to or held for other public use.

(1) If property devoted to or held for some other public use for which the power of eminent

domain might be exercised is to be taken for state highway purposes, the department may, with the consent of the person or agency in charge of the other public use, condemn real property to be exchanged with the person or agency for the real property to be taken for state highway purposes.

(2) This section does not limit the department's authorization to acquire, other than by condemnation, property for exchange purposes.

Section 144. Section **72-5-201**, which is renumbered from Section 27-12-103.2 is renumbered and amended to read:

Part 2. Rights-of-way Across State Lands

[~~27-12-103.2~~]. 72-5-201. Purpose statement.

(1) (a) The Legislature recognizes that highways provide tangible benefits to private and public lands of the state by providing access, allowing development, and facilitating production of income.

(b) Many of those highways traverse state lands, including lands held by the state in trust for the school children and public institutions of the state.

(c) Many of the existing highways have been previously established without an official grant of an easement or right of entry from this state, yet these highways often are the only access to private and public lands of the state.

(2) The Legislature intends to establish a means for ensuring continued access to the private and public lands of the state for the good of the people, while fulfilling its fiduciary responsibilities toward the schoolchildren by protecting their trust holdings against loss.

Section 145. Section **72-5-202**, which is renumbered from Section 27-12-103.3 is renumbered and amended to read:

[~~27-12-103.3~~]. 72-5-202. Definitions.

As used in [Sections 27-12-103.2 through 27-12-103.4] this part:

(1) "Responsible authority" means a private party, the state of Utah, or a political subdivision of the state claiming rights to a highway right-of-way, easement, or right of entry across state lands.

(2) "Sovereign lands" has the same meaning as provided in Section 65A-1-1.

(3) "State lands" means sovereign and trust lands, as well as all other lands held by or on behalf of the departments, divisions, or institutions of the state.

(4) "Trust lands" has the same meaning as "school and institutional trust lands" as defined in Section 53C-1-103.

Section 146. Section **72-5-203**, which is renumbered from Section 27-12-103.4 is renumbered and amended to read:

[27-12-103.4]. 72-5-203. Public easement or right of entry -- Grant -- Application -- Conditions.

(1) (a) (i) Subject to Section 53C-1-302 and Subsection 53C-1-204(1), a temporary public easement or right of entry is granted for each highway existing prior to January 1, 1992, that terminates at or within or traverses any state lands and that has been constructed and maintained or used by a responsible authority.

(ii) The temporary public easement or right of entry granted under Subsection (1)(a)(i) is 100 feet wide for each class A and B highway.

(b) Each easement shall remain in effect through June 30, 1998, or until a permanent easement or right of entry has been established under Subsection (2), whichever is less.

(2) (a) The School and Institutional Trust Lands Administration and the Division of Forestry, Fire and State Lands shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing an application process for a responsible authority to obtain a permanent easement or right of entry over any temporary public easement granted under Subsection (1), subject to the provisions of Subsections (2)(b), (c), and (d).

(b) A grant of a permanent easement or right of entry across sovereign lands shall be made upon a showing to the Division of Forestry, Fire and State Lands that continued use of the easement will provide a public benefit commensurate with the value of the permanent easement or right of entry.

(c) A grant of a permanent easement or right of entry across trust lands shall be made upon a showing to the School and Institutional Trust Lands Administration that the grant is consistent with the state's fiduciary responsibilities under Section 53C-1-302 and Subsection 53C-1-204(1).

(d) A grant of a permanent easement or right of entry across state lands other than sovereign and trust lands shall be made upon a showing to the managing unit of state government that the continued use will provide a public benefit commensurate with the value of the easement and will not unreasonably interfere with the purposes for which the land was obtained or is now held.

(3) The grant of the temporary public easement or right of entry under Subsection (1) is consistent with the trust responsibilities of the state and in the best interest of the state.

(4) A responsible authority that has been granted a permanent easement or right of entry over state lands may maintain the permanent easement or right of entry for the uses to which the permanent easement or right of entry was put prior to and including January 1, 1992, subject to the right of the managing unit of state government or private party to relocate the permanent easement or right of entry.

(5) The grant of a permanent easement or right of entry under this section is effective on the date the highway was originally constructed or established for public use.

Section 147. Section **72-5-301**, which is renumbered from Section 27-16-102 is renumbered and amended to read:

Part 3. Rights-of-way Across Federal Lands Act

[~~27-16-102~~]. 72-5-301. Definitions.

As used in this [chapter] part:

(1) "Acceptance," "acceptance of a right-of-way for the construction of a highway over public lands, not reserved for public uses," or "accepted" means one or more of the following acts prior to October 21, 1976:

(a) by the state or any political subdivision of the state:

(i) construction or maintenance of a highway;

(ii) inclusion of the highway in a state, county, or municipal road system;

(iii) expenditure of any public funds on the highway;

(iv) execution of a memorandum of understanding or other agreement with any other public or private entity or an agency of the federal government that recognizes the right or obligation of the state or a political subdivision of the state to construct or maintain the highway or a portion of the

highway; or

(v) (A) the acceptance at statehood of the school or institutional trust lands accessed or traversed by the right-of-way; or

(B) the selection and receipt by the state of a clear list, indemnity list, or other document conveying title to the state of school, institutional trust lands, or other state lands accessed or traversed by the highway;

(b) use by the public for a period in excess of 10 years in accordance with Section [~~27-12-89~~] 72-5-104; or

(c) any other act consistent with state or federal law indicating acceptance of a right-of-way.

(2) (a) "Construction" means any physical act of readying a highway for use by the public according to the available or intended mode of transportation, including, foot, horse, vehicle, pipeline, or other mode.

(b) "Construction" includes:

(i) removing vegetation;

(ii) moving obstructions, including rocks, boulders, and outcroppings;

(iii) filling low spots;

(iv) maintenance over several years;

(v) creation of an identifiable route by use over time; and

(vi) other similar activities.

(3) (a) "Highway" means:

(i) any road, street, trail, or other access or way that is open to the public to come and go or transport water at will, without regard to how or by whom the way was constructed or maintained; and

(ii) appurtenant land and structures including road drainage ditches, back and front slopes, turnouts, rest areas, and other areas that facilitate use of the highway by the public.

(b) "Highway" includes:

(i) pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, and all other ways and their

attendant access for maintenance; and

(ii) irrigation canals, waterways, viaducts, ditches, pipelines, or other means of water transmission and their attendant access for maintenance.

(4) "Maintenance" means any physical act of upkeep of a highway or repair of wear or damage whether from natural or other causes.

(5) "Public lands not reserved for public uses" means any federal lands open to entry and location.

(6) "R.S. 2477 right-of-way" means a right-of-way for a highway constructed in this state on public lands not reserved for public uses in accordance with Revised Statute 2477, codified as 43 U.S.C. Section 932, and accepted by the state or a political subdivision of the state prior to October 21, 1976.

Section 148. Section **72-5-302**, which is renumbered from Section 27-16-103 is renumbered and amended to read:

[27-16-103]. 72-5-302. Rights-of-way across federal lands -- Title --
Presumption -- Scope -- Safety standards.

(1) This [chapter] part applies to all R.S. 2477 rights-of-way.

(2) The state and its political subdivisions have title to the R.S. 2477 rights-of-ways.

(3) (a) Acceptance of a right-of-way for the construction of a highway over public lands, not reserved for public uses, is presumed if the state or a political subdivision of the state makes a finding that the highway was constructed and the right-of-way was accepted prior to October 21, 1976.

(b) The existence of a highway establishes a presumption that the highway has continued in use in its present location since the land over which it is built was public land not reserved for public use.

(4) (a) Unless specifically determined by the state or a political subdivision of the state with authority over the R.S. 2477 right-of-way, the scope of the R.S. 2477 right-of-way is that which is reasonable and necessary to ensure safe travel for all uses that occurred before October 21, 1976.

(b) The scope of the R.S. 2477 right-of-way includes the right to widen the highway as

necessary to accommodate the increased travel associated with those uses, up to, where applicable, improving a highway to two lanes so travelers can safely pass each other.

(c) The width of an R.S. 2477 right-of-way used for vehicular travel may not be less than the setback standards for wilderness boundaries along existing roads as described in Bureau of Land Management Manual H-8560-1, Management of Designated Wilderness Areas, dated July 27, 1988, as follows:

- (i) high standard paved highways shall be 300 feet from the centerline;
- (ii) high standard logging roads shall be 100 feet from the centerline; and
- (iii) low standard logging, jeep, maintenance, dirt roads used for right-of-way, or similar roads shall be 30 feet from the centerline.

(5) The safety standards established by the Department of Transportation in accordance with Section ~~[27-12-104]~~ 72-6-102 apply to all determinations of safety on R.S. 2477 rights-of-way used for vehicular travel.

Section 149. Section **72-5-303**, which is renumbered from Section 27-16-104 is renumbered and amended to read:

~~[27-16-104].~~ **72-5-303. Maintenance -- Impact on adjacent land owners.**

(1) (a) The state and its political subdivisions are not required to maintain highways within R.S. 2477 rights-of-way for vehicular travel unless the R.S. 2477 right-of-way encompasses a highway included on a highway system for vehicular travel.

(b) A decision to improve or not improve an R.S. 2477 right-of-way is a purely discretionary function.

(2) The holder of an R.S. 2477 right-of-way and the owner of the servient estate shall exercise their rights without unreasonably interfering with one another.

(3) The holder of the R.S. 2477 right-of-way shall design and conduct construction and maintenance activities so as to minimize impacts on adjacent federal public lands, consistent with applicable safety standards.

Section 150. Section **72-5-304**, which is renumbered from Section 27-16-105 is renumbered and amended to read:

~~[27-16-105].~~ **72-5-304. Mapping and survey requirements.**

(1) The Department of Transportation, counties, and cities are not required to possess centerline surveys for R.S. 2477 rights-of-ways.

(2) ~~[Highways]~~ To be accepted, highways within R.S. 2477 rights-of-way do not need to be included in the plats, descriptions, and maps of county roads required by Sections ~~[27-12-26]~~ 72-3-105 and ~~[27-15-3]~~ 72-3-107 or on the State Geographic Information Database, created in Section 63A-6-203, required to be maintained by Subsection (3)~~[, to be accepted]~~.

(3) (a) The Automated Geographic Reference Center, created in Section 63A-6-202, shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic Information Database.

(b) The record of R.S. 2477 rights-of-way shall be based on information maintained by the Department of Transportation and cartographic, topographic, photographic, historical, and other data available to or maintained by the Automated Geographic Reference Center.

(c) Agencies and political subdivisions of the state may provide additional information regarding R.S. 2477 rights-of-way when information is available.

Section 151. Section **72-5-305**, which is renumbered from Section 27-16-106 is renumbered and amended to read:

~~[27-16-106].~~ **72-5-305. Term of grant -- Abandonment.**

(1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an R.S. 2477 right-of-way is established for a perpetual term.

(2) (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance with the procedures in ~~[Title 27, Chapter 12, Article 6, Acquisition of Property for Highway Purposes]~~ Part 1, Public Highways, of this chapter.

(b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the right-of-way shall revert to the state.

(3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not evidence of waiver or abandonment of the R.S. 2477 right-of-way.

(4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of the public domain.

Section 152. Section **72-5-306**, which is renumbered from Section 27-16-107 is renumbered and amended to read:

[~~27-16-107~~]. 72-5-306. Assumption of risk -- Immunity -- Public safety.

(1) An R.S. 2477 right-of-way not designated under [~~Title 27, Chapter 12, Article 3, Classification and Jurisdiction and Control of Highways and Roads,~~] Section 72-3-102, 72-3-103, or 72-3-104 as a Class A, B, or C road is traveled at the risk of the user.

(2) The state and its political subdivisions do not waive immunity under Title 63, Chapter 30, Utah Governmental Immunity Act, for injuries or damages occurring in or associated with any R.S. 2477 right-of-way.

(3) The state and its political subdivisions assume no liability for injury or damage resulting from a failure to maintain any:

- (a) R.S. 2477 right-of-way for vehicular travel; or
- (b) highway sign on an R.S. 2477 right-of-way.

(4) If the state or any political subdivision of the state chooses to maintain an R.S. 2477 right-of-way, the basic governmental objective involved in providing the improvements is the consistent promotion of public safety.

(5) (a) The state recognizes that there are limited funds available to upgrade all R.S. 2477 rights-of-way to applicable safety standards.

(b) A decision by the state or a political subdivision of the state to allocate funds for maintaining an R.S. 2477 right-of-way is the result of evaluation and assigning of priorities for the promotion of public safety.

(c) The state or a political subdivision of the state must use its judgment and expertise to evaluate which safety feature improvements should be made first. In making this policy determination the state or a political subdivision of the state may:

(i) perform on-site inspections and weigh all factors relating to safety, including the physical characteristics and configuration of the R.S. 2477 right-of-way and the volume and type of traffic on the R.S. 2477 right-of-way; and

(ii) consult with transportation experts who have expertise to make an evaluation of the

relative dangerousness of R.S. 2477 rights-of-way within their jurisdiction.

Section 153. Section **72-6-101** is enacted to read:

CHAPTER 6. CONSTRUCTION, MAINTENANCE, AND OPERATIONS

72-6-101. Title.

This chapter is known as the "Construction, Maintenance, and Operations Act."

Section 154. Section **72-6-102**, which is renumbered from Section 27-12-104 is renumbered and amended to read:

[27-12-104]. 72-6-102. Uniform plans and specifications for construction and maintenance.

The department shall:

(1) prepare and adopt uniform standard plans and specifications for the construction and maintenance of state highways~~[-];~~ and ~~[shall]~~

(2) issue a manual containing plans and specifications for the information and guidance of officials having supervision of the ~~[work]~~ construction and maintenance of state highways.

Section 155. Section **72-6-103**, which is renumbered from Section 27-12-105 is renumbered and amended to read:

[27-12-105]. 72-6-103. Plans, specifications, and estimates for culverts, bridges, and road construction.

The department shall furnish plans, specifications, and estimates for culverts, bridges, road construction, and other related information desired by local highway authorities for use on county roads and city streets on terms mutually agreed upon.

Section 156. Section **72-6-104**, which is renumbered from Section 27-12-106 is renumbered and amended to read:

[27-12-106]. 72-6-104. Highways to conform to grade and direction in municipalities.

~~[Where public highways other than interstate or defense highways extend]~~ Except for the highways part of the interstate system, a highway that extends through a ~~[city or town they]~~ municipality shall conform to the direction and grade of other streets in the ~~[city or town]~~

municipality unless permission is obtained from the highway authorities of the [city or town] municipality for a variance in the direction and grade.

Section 157. Section **72-6-105**, which is renumbered from Section 27-12-107 is renumbered and amended to read:

[27-12-107]. 72-6-105. Contracts for construction and maintenance -- Agreements with county or municipality.

The department may enter into written agreements on behalf of the state with any county[, city,] or [town] municipality for rights-of-way and the construction or maintenance of any part of [the] a state [highways] highway:

- (1) at the expense of the state;
- (2) at the expense of any county[, city,] or [town] municipality; or
- (3) at the joint expense of the state and any county[, city, or town] and any municipality.

Section 158. Section **72-6-106**, which is renumbered from Section 27-12-107.5 is renumbered and amended to read:

[27-12-107.5]. 72-6-106. Use of recycled asphalt.

(1) In making plans, specifications, and estimates, and in advertising for bids under this [article] chapter, the department shall allow up to 25% but may allow up to 60% reclaimed asphalt pavement to be incorporated into hot asphaltic concrete used for road construction and maintenance.

(2) The department shall ensure that hot asphaltic concrete incorporating reclaimed asphalt pavement meets or exceeds the department quality standards for roads constructed or maintained with hot asphaltic concrete not containing reclaimed asphalt pavement.

(3) If the department rejects any hot asphaltic concrete containing reclaimed asphalt pavement, the department shall give a written statement to the provider indicating the specific reasons the hot asphaltic concrete was rejected.

(4) This section does not authorize the state to directly or indirectly subsidize the production of hot asphaltic concrete containing reclaimed asphalt pavement.

Section 159. Section **72-6-107**, which is renumbered from Section 27-12-108 is renumbered and amended to read:

~~[27-12-108].~~ **72-6-107.** Construction or improvement of highway -- Contracts -- Retainage escrow.

(1) (a) The department shall make plans, specifications, and estimates ~~[preparatory]~~ prior to the construction or improvement of any state highway.

(b) Except as provided in Section 63-56-36.1 and except for construction or improvements performed with state prison labor, a construction or improvement project with an estimated cost exceeding \$40,000 for labor and materials shall be performed under contract awarded to the lowest responsible bidder.

(c) The advertisement for bids shall be published in a newspaper of general circulation in the county in which the work is to be performed, at least once a week for two consecutive weeks, with the last publication ~~[to be]~~ at least ten days before bids are opened.

(d) ~~[Sealed]~~ The department shall receive sealed bids ~~[shall be received by the department]~~ and ~~[opened]~~ open the bids at the time and place designated in the advertisement ~~[and]~~. The department may then award the contract ~~[awarded; however, the department]~~ but may reject any and all bids.

(e) If the department's estimates are substantially lower than any responsible bid received, the department may perform any work by force account.

(2) (a) If any payment on a contract with a private contractor for construction or improvement of a state ~~[highways]~~ highway is retained or withheld, ~~[it]~~ the payment shall be placed in an interest bearing account ~~[and the]~~. The interest shall accrue for the benefit ~~[of]~~ and payment to the contractor and subcontractors ~~[to be paid]~~ after the project is completed and accepted by the department.

(b) The contractor shall ensure that any interest accrued on the money retained is distributed by the contractor to subcontractors on a pro rata basis.

Section 160. Section **72-6-108**, which is renumbered from Section 27-12-108.1 is renumbered and amended to read:

~~[27-12-108.1].~~ **72-6-108.** Class B and C roads -- Improvement projects -- Contracts -- Retainage escrow.

(1) ~~[The] A~~ county executive ~~[of the counties with respect to]~~ for class B roads and the ~~[governing officials of the cities and towns with respect to]~~ municipal executive for class C roads shall cause ~~[to be made]~~ plans, specifications, and estimates ~~[preparatory]~~ to be made prior to the construction of any improvement project, as defined in Section ~~[27-12-108.2]~~ 72-6-109, on a class B or C road~~;~~ if the estimated cost ~~[of which]~~ for any one project exceeds the bid limit as defined in Section 72-6-109 for labor, equipment, and materials.

(2) (a) All projects in excess of the bid limit shall be performed under contract to be let to the lowest responsible bidder. ~~[Whenever]~~

(b) If the estimated cost of the improvement project exceeds the bid limit for labor, equipment, and materials, the ~~[same shall]~~ project may not be ~~[so]~~ divided ~~[as]~~ to permit the construction in ~~[several]~~ parts, ~~[except]~~ unless each part is done by contract.

(3) The advertisement on bids ~~[for such work]~~ shall be published in a newspaper of general circulation in the county in which ~~[such]~~ the work is to be performed at least once a week for three consecutive weeks~~[, or if]~~. If there is no ~~[such]~~ newspaper of general circulation, ~~[then after posting such]~~ the notice shall be posted for at least 20 days in at least five public places in the county.

~~[Sealed]~~

(4) The county or municipal executive or their designee shall receive sealed bids ~~[shall be received by the county executive or governing officials, as the case may be,]~~ and ~~[opened]~~ open the bids at the time and place designated in the advertisement~~[, and]~~. The county or municipal executive or their designee may then award the contract ~~[awarded; provided, that the county executive or governing officials, as the case may be, shall have the right to]~~ but may reject any and all bids~~;~~ ~~provided further, that the]~~.

(5) The person, firm, or corporation ~~[to whom any such contract]~~ that is awarded ~~[shall be]~~ a contract under this section is subject to ~~[all]~~ the provisions of Title 63, Chapter 56, Utah Procurement Code.

~~[(2)]~~ (6) (a) If any payment on a contract with a private contractor for construction or improvement of a class B ~~[and]~~ or C ~~[roads]~~ road is retained or withheld, ~~[it]~~ the payment shall be placed in an interest-bearing account ~~[and the]~~. The interest shall accrue for the benefit ~~[of]~~ and

payment to the contractor and subcontractors [~~to be paid~~] after the project is completed and accepted by the [~~governing officials of the~~] county[, city, or town] or municipal executive. [It is the responsibility of the]

(b) The contractor [to] shall ensure that any interest accrued on the [~~retainage~~] money retained is distributed by the contractor to subcontractors on a pro rata basis.

Section 161. Section **72-6-109**, which is renumbered from Section 27-12-108.2 is renumbered and amended to read:

~~[27-12-108.2].~~ **72-6-109. Class B and C roads -- Construction and maintenance -- Definitions -- Estimates lower than bids -- Accountability.**

(1) As used in this section and Section [~~27-12-108.1~~] 72-6-108:

(a) "Bid limit" means \$100,000.

(b) (i) "Construction" means the work that would apply to:

(A) any new roadbed either by addition to existing systems or relocation;

(B) resurfacing of existing roadways with more than two inches of bituminous pavement;

or

(C) new structures or replacement of existing structures, except the replacement of drainage culverts.

(ii) "Construction" does not include maintenance, emergency repairs, or the installation of traffic control devices as described in Section 41-6-20.

(c) "Improvement project" means construction and maintenance as defined in this section except for that maintenance excluded under Subsection (2).

(d) "Maintenance" means the keeping of a road facility in a safe and usable condition to which it was constructed or improved, and includes:

(i) the reworking of an existing surface by the application of up to and including two inches of bituminous pavement;

(ii) the installation or replacement of guardrails, seal coats, and culverts;

(iii) the grading or widening of an existing unpaved road or flattening of shoulders or side slopes to meet current width and safety standards; and

(iv) horizontal or vertical alignment changes necessary to bring an existing road in compliance with current safety standards.

(e) "Project" means the performance of a clearly identifiable group of associated road construction activities or the same type of maintenance process, where the construction or maintenance is performed on any one class B or C road, within a half-mile proximity and occurs within the same calendar year.

(2) The following types of maintenance work are not subject to the contract or bid limit requirements of this section:

(a) the repair of less than the entire surface by crack sealing or patching; and

(b) road repairs incidental to the installation, replacement, or repair of water mains, sewers, drainage pipes, culverts, or curbs and gutters.

(3) (a) (i) If the estimates of a qualified engineer referred to in Section ~~[27-12-108.1]~~ 72-6-108 are substantially lower than any responsible bid received or in the event no bids are received, the [counties] county or [cities] municipality may perform the work by force account.

(ii) In no event shall "substantially lower" mean estimates that are less than 10% below the lowest responsible bid.

(b) If a county or [city] municipality performs an improvement project by force account, it shall:

(i) provide an accounting of the costs and expenditures of the improvement including material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for Construction Equipment by Dataquest Inc.;

(ii) disclose the costs and expenditures to any person ~~[who requests to see them]~~ upon request and allow [him] the person to make a copy ~~[upon paying]~~ and pay for the actual cost of the copy; and

(iii) perform the work using the same specifications and standards that would apply to a private contractor.

Section 162. Section **72-6-110**, which is renumbered from Section 27-12-108.3 is renumbered and amended to read:

~~[27-12-108.3].~~ **72-6-110. Supervision and standards of construction for class B and C roads.**

(1) All construction plans, specifications, and estimates [~~required under Section 27-12-108.1,~~] and all construction work under Section 72-6-108 shall be prepared and performed under the direct supervision of a registered professional engineer.

(2) The supervising engineer shall certify to the county legislative body or the [~~governing officials of the city~~] municipal executive that all road construction projects conform to design and construction standards as currently adopted by the American Association of State Highway and Transportation officials.

Section 163. Section **72-6-111**, which is renumbered from Section 27-12-109 is renumbered and amended to read:

~~[27-12-109].~~ **72-6-111. Construction and maintenance of appurtenances -- Noise abatement measures.**

(1) The department is authorized to construct and maintain appurtenances along the state highway system necessary for public safety, welfare, and information. Appurtenances include highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants, guard rails, noise abatement measures, storm sewers, and rest areas.

(2) A noise abatement measure may only be constructed by the department along a highway when:

(a) the department is constructing a new state highway or performing major reconstruction on an existing state highway;

(b) the Legislature provides an appropriation or the federal government provides funding for construction of retrofit noise abatement along an existing state highway; or

(c) the cost for the noise abatement measure is provided by citizens, adjacent property owners, developers, or local governments.

(3) In addition to the requirements under Subsection (2), the department may only construct noise abatement measures within the unincorporated area of a county or within a municipality that has an ordinance or general plan that requires:

(a) a study to be conducted to determine the noise levels along new development adjacent to an existing state highway or a dedicated right-of-way; and

(b) the construction of noise abatement measures at the expense of the developer if required to be constructed under standards established by a rule of the department.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules establishing:

(a) when noise abatement measures are required to be constructed, including standards for decibel levels of traffic noise; and

(b) a priority system for the construction of retrofit noise abatement measures funded under Subsection (2)(b) which includes:

- (i) the decibel level of traffic noise at each location;
- (ii) the number of residential dwellings adversely affected by the traffic noise; and
- (iii) the cost effectiveness of mitigating the traffic noise.

Section 164. Section **72-6-112**, which is renumbered from Section 27-12-109.5 is renumbered and amended to read:

~~[27-12-109.5].~~ 72-6-112. Traffic Noise Abatement Program -- Uses.

- (1) There is created the Traffic Noise Abatement Program.
- (2) The program consists of monies generated from the following revenue sources:
 - (a) any voluntary contributions received for traffic noise abatement; and
 - (b) appropriations made to the program by the Legislature.
- (3) The department shall use program monies as prioritized by the commission and as provided by law for the study, design, construction, and maintenance of noise abatement measures.

(4) All funding for the Traffic Noise Abatement Program shall be nonlapsing.

Section 165. Section **72-6-113**, which is renumbered from Section 27-12-109.1 is renumbered and amended to read:

~~[27-12-109.1].~~ 72-6-113. Acquisition and improvement of land for preservation of scenic beauty -- Authority of department.

- (1) The department is authorized to acquire and improve strips of land necessary for the

restoration, preservation, and enhancement of scenic beauty within and adjacent to a federal-aid [highways] highway of this state, including acquisition of publicly owned and controlled rest and recreation areas, sanitary, and other facilities within or adjacent to the highway right-of-way reasonably necessary to accommodate the traveling public.

(2) Acquisition may be by gift, purchase, or exchange but may not be by condemnation.

(3) The interest in any land authorized to be acquired and maintained under this section may be fee simple or any lesser interest, as determined by the department to be reasonably necessary to accomplish the purposes of this section.

(4) (a) Real property, or any interest in real property, acquired under this section is part of the adjacent or nearest highway and is under the jurisdiction of the department.

(b) The department may enter into an agreement with any state agency for maintenance of land acquired in accordance with this section.

Section 166. Section **72-6-114**, which is renumbered from Section 27-12-110 is renumbered and amended to read:

[27-12-110]. 72-6-114. Restricting use of or closing highway -- Penalty for failure to observe barricade, warning light, etc.

(1) ~~[Whenever it is deemed necessary because of]~~ A highway authority may close or restrict travel on a highway under their jurisdiction due to construction [or], maintenance work, or [because of] emergency [to suspend all or part of the travel on a public highway or portion thereof, the highway authorities of the state, counties, cities and towns may restrict the use of, or close, such highway or portion thereof. Whenever such],

(2) If a highway or portion [thereof] of a highway is [so restricted or] closed or restricted to travel, [the] a highway [authorities] authority shall cause suitable barriers and notices to be posted [at the point where the detour road takes off from such closed or restricted highway and such detour road shall be clearly indicated by signs and the same shall be adequately maintained] and maintained in accordance with Section 41-6-20.

~~[Any]~~ (3) A person who willfully fails to observe any barricade, warning light, sign, or flagman, [warning the public that a highway or portion thereof is restricted or closed to traffic] used

in accordance with this section, is guilty of a class B misdemeanor.

Section 167. Section **72-6-115**, which is renumbered from Section 63-49-8.5 is renumbered and amended to read:

[63-49-8.5]. 72-6-115. Traffic Management Committee -- Appointment -- Duties.

(1) As used in this section, "committee" means the Traffic Management Committee created in this section.

(2) (a) There is created within the Department of Transportation the Traffic Management Committee comprising seven members knowledgeable about traffic engineering, traffic flow, or air quality as follows:

- (i) one member designated by the executive director of the department;
- (ii) one member designated by the Utah Association of Counties;
- (iii) one member designated by the Department of Environmental Quality;
- (iv) one member designated by the Wasatch Front Regional Council;
- (v) one member designated by the Mountainland Association of Governments;
- (vi) one member designated by the Commissioner of Public Safety; and
- (vii) one member designated by the Utah League of Cities and Towns.

(b) The committee shall:

(i) advise the department on matters related to the implementation and administration of this section;

(ii) make recommendations to law enforcement agencies related to traffic flow and incident management during heavy traffic periods;

(iii) make recommendations to the department on increasing the safety and efficiency of highways using current traffic management systems, including traffic signal coordination, traffic monitoring, freeway ramp metering, variable message signing, and incident management; and

(iv) evaluate the cost effectiveness of implementing a specific traffic management system on a highway considering:

- (A) existing traffic volume in the area;
- (B) the necessity and potential of reducing vehicle emissions in the area;

(C) the feasibility of the traffic management system on the highway; and

(D) whether traffic congestion will be reduced by the system.

(c) (i) Except as required by Subsection (2)(c)(ii), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(ii) Notwithstanding the requirements of Subsection (2)(c)(i), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(d) The committee shall annually elect a chair and a vice chair from its members.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(f) The committee shall meet as it determines necessary to accomplish its duties.

(g) Reasonable notice shall be given to each member of the committee prior to any meeting.

(h) A majority of the committee constitutes a quorum for the transaction of business.

(i) (i) (A) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(B) Members may decline to receive per diem and expenses for their service.

(ii) (A) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(B) State government officer and employee members may decline to receive per diem and expenses for their service.

(iii) (A) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(B) Local government members may decline to receive per diem and expenses for their service.

(3) (a) The Department of Transportation shall implement and administer traffic management systems to facilitate the efficient flow of motor vehicle traffic on state highways and to reduce motor vehicle emissions where cost effective, as determined by the committee in accordance with criteria under Subsection (2)(b).

(b) A traffic management system shall be designed to allow safe, efficient, and effective:

(i) integration of existing traffic management systems;

(ii) additions of highways and intersections under county and city administrative jurisdiction;

(iii) incorporation of other traffic management systems; and

(iv) adaptation to future traffic needs.

(4) (a) The cost of implementing and administering a traffic management system shall be shared pro rata by the department and the counties and [cities] municipalities using it.

(b) The department shall enter into an agreement or contract under Title 11, Chapter 13, Interlocal Cooperation Act, with a [city or] county or municipality to share costs incurred under this section.

(5) Additional highways and intersections under the administrative jurisdiction of a county or [city] municipality may be added to a traffic management system upon application of the county or [city] municipality after:

(a) a recommendation of the committee;

(b) approval by the department;

(c) determination of the appropriate cost share of the addition under Subsection (4)(a); and

(d) an agreement under Subsection (4)(b).

Section 168. Section **72-6-116**, which is renumbered from Section 27-12-11 is renumbered and amended to read:

~~[27-12-11].~~ **72-6-116. Regulation of utilities -- Relocation of utilities.**

(1) [In] As used in this section:

(a) "Cost of relocation" includes the entire amount paid by the utility company properly attributable to the relocation of the utility after deducting any increase in the value of the new utility and any salvage value derived from the old utility.

~~[(b) "Interstate system" means any highway included as a part of the national system of interstate and defense highways, as provided in the Federal-Aid Highway Act of 1956 and any supplemental or amendatory acts.]~~

~~[(c)]~~ (b) "Utility" includes telephone, gas, electricity, cable television, water, and sewer transmission lines, drainage and irrigation systems, and other similar utilities located in, on, along, across, over, through, or under any state highway.

~~[(d)]~~ (c) "Utility company" means a privately, cooperatively, or publicly owned utility including utilities owned by political subdivisions.

(2) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules for the installation, construction, maintenance, repair, renewal, and relocation of all utilities.

(b) (i) If the department determines under the rules established in this section that it is necessary that any utilities should be relocated, the utility company owning or operating the utilities shall relocate the utilities in accordance with the order of the department.

(ii) The cost of relocation in connection with the highway systems shall be paid by the department in all cases where:

(A) proportionate reimbursement of the cost may be obtained by the state of Utah from the United States pursuant to the Federal-Aid Highway Act of 1956; and

(B) the utility is owned or operated by a political subdivision whether or not federal reimbursement may be obtained.

(iii) In case of any relocation of a utility, the utility company owning or operating the utility, its successors or assigns, may maintain and operate the utility, with the necessary appurtenances, in the new location.

(3) The cost of relocating a utility in connection with any project on ~~[the federal-aid primary or secondary systems]~~ a highway eligible for federal aid, or on the interstate system is a cost of

highway construction.

Section 169. Section **72-6-117** is enacted to read:

72-6-117. Limited-access facilities and service roads -- Access -- Right-of-way acquisition -- Grade separation -- Written permission required.

(1) A highway authority, acting alone or in cooperation with the federal government, another highway authority, or another state may plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide a limited-access facility including a service road to the limited-access facility.

(2) A highway authority may regulate, restrict, or prohibit the use of a limited-access facility by pedestrians, animals, or by the various classes of vehicles or traffic.

(3) A highway authority may divide and separate any limited-access facility into separate roadways by the construction of raised curbing, central dividing sections, or other physical separations, or by designating separate roadways by signs, markers, stripes, and other appropriate devices.

(4) A person may not enter, exit, or cross a limited-access facility, except at designated points at which access is permitted by the highway authority.

(5) A highway authority may acquire, by gift, devise, purchase, or condemnation, private or public property and property rights for a limited-access facility and service road, including rights of access, air, view, and light. All property rights acquired under this section may be in fee simple or in any lesser estate or interest. A highway authority may acquire an entire lot, block, or tract of land, if needed, even though the entire lot, block, or tract is not immediately needed for the right-of-way of the limited-access facility or service road.

(6) A highway authority may designate and establish limited-access highways as new facilities or may designate and establish an existing highway as part of a limited-access facility.

(7) (a) A highway authority may provide for the elimination of at grade intersections of a limited-access facility and an existing highway by grade separation, service road, or by closing the intersecting highway.

(b) A highway authority may not connect or intersect a limited-access facility without the written consent and previous approval of the highway authority having jurisdiction over the

limited-access facility.

(8) Highway authorities may enter into agreements with each other, or with the federal government, on the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of limited-access facilities or other public ways in their respective jurisdiction, to facilitate the purposes of this section.

Section 170. Section **72-6-118**, which is renumbered from Section 27-12-132.1 is renumbered and amended to read:

[27-12-132.1]. 72-6-118. Definitions -- Establish and operate tollways -- Imposition and collection of tolls -- Amount of tolls -- Rulemaking.

(1) As used in this section:

(a) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

(b) "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.

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

(a) establish 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, and maintenance of or impacts from a transportation route for use by the public;

(b) enter into contracts, agreements, licenses, franchises, or other arrangements to implement this section; and

(c) impose and collect tolls on any tollway established under this section.

(3) (a) The department or other entity may not establish or operate a tollway on a state highway, except as approved by the commission and the Legislature.

(b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

(i) approved by the commission in accordance with the standards made under this section;

and

(ii) the tollways are submitted to the Legislature in the next year for legislative approval or disapproval.

(c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the department shall provide a description of the tollway project, projected traffic, the anticipated amount of tolls to be charged, and projected toll revenue.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall set the amount of any toll imposed or collected on a tollway on a state highway.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules necessary to establish and operate tollways on state highways. The rules shall include minimum criteria for having a tollway.

(6) The commission may provide funds for public or private tollway pilot projects from General Fund monies appropriated by the Legislature to the commission for that purpose.

Section 171. Section **72-7-101** is enacted to read:

CHAPTER 7. PROTECTION OF HIGHWAYS

Part 1. Protection of Rights-of-way

72-7-101. Title.

This chapter is known as the "Protection of Highways Act."

Section 172. Section **72-7-102**, which is renumbered from Section 27-12-133 is renumbered and amended to read:

~~[27-12-133].~~ **72-7-102. Excavations, structures, or objects prohibited within right-of-way except in accordance with law -- Penalty for violation.**

(1) Except as [~~otherwise~~] provided in Subsection (2) and Section 54-4-15, [~~Utah Code Annotated, 1953, no~~] a person may not:

(a) dig or excavate, within the right-of-way of any state highway, county road, or city street [~~shall be dug up or excavated and no~~]; or

(b) place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character [~~shall be placed, constructed, or maintained~~] within [~~any such~~] the right-of-way [~~except as permitted by, and in accordance with, the regulations of the~~].

(2) (a) A highway [~~authorities~~] authority having jurisdiction over [~~such~~] the right-of-way

may allow excavating, installation of utilities and other facilities or access under rules made by the highway authority and in compliance with federal, state, and local law as applicable.

(b) The rules may require a permit for any excavation or installation and may require a surety bond or other security. The permit may be revoked and the surety bond or other security may be forfeited for cause.

[Any] (3) A person who violates the provisions of [this section] Subsection (1) is guilty of a class B misdemeanor.

Section 173. Section **72-7-103**, which is renumbered from Section 27-12-134 is renumbered and amended to read:

[27-12-134]. 72-7-103. Limitation on access authority.

~~[Except as otherwise provided in Section 54-4-15, Utah Code Annotated, 1953, the highway authorities of the state, counties, cities, and towns are authorized to adopt regulations, and may require a permit containing reasonable terms and conditions, for the crossing, digging-up, or the placement, construction, and maintenance of approach roads, driveways, structures, poles, pipelines, conduits, sewers, ditches, culverts, facilities, or any other structures or objects of any kind or character on the public highway rights-of-way under their respective jurisdiction. Said highway authorities may require a surety bond or other reasonable security which may be forfeited in the event the regulations or the conditions of a permit are breached.]~~

~~[The] A highway authority [granted by this section shall not be exercised so as to] may not deny reasonable ingress and egress to property adjoining a public highway except where [said]:~~

~~(1) the highway [authorities have acquired such] authority acquires right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise; or [where]~~

~~(2) no right of ingress or egress exists between the right-of-way and the adjoining property.~~

Section 174. Section **72-7-104**, which is renumbered from Section 27-12-135 is renumbered and amended to read:

[27-12-135]. 72-7-104. Installations constructed in violation of rules -- Rights of highway authorities to remove or require removal.

(1) If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains

any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor advertising sign, or any other structure or object of any kind or character within the right-of-way of any highway without complying with this [chapter] title, the highway [authorities] authority having jurisdiction over the right-of-way may:

(a) remove the installation from the right-of-way or require the person, firm, or corporation to remove the installation; or

(b) give written notice to the person, firm, or corporation to remove the installation from the right-of-way.

(2) Notice under Subsection (1)(b) may be served by:

(a) personal service; or

(b) (i) mailing the notice to the person, firm, or corporation by certified mail; and

(ii) posting a copy on the installation for ten days.

(3) If the installation is not removed within ten days after the notice is complete, the highway [authorities] authority may remove the installation at the expense of the person, firm, or corporation.

(4) [The] A highway [authorities] authority may recover:

(a) the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and

(b) \$10 for each day the installation remained within the right-of-way after notice was complete.

(5) (a) If the person, firm, or corporation disputes or denies the existence, placement, construction, or maintenance of the installation, or refuses to remove or permit its removal, the highway [authorities] authority may bring an action to abate the installation as a public nuisance.

(b) If the highway [authorities are] authority is granted a judgment, the highway [authorities] authority may recover the costs of having the public nuisance abated as provided in Subsection (4).

(6) The department, its agents, or employees, if acting in good faith, incur no liability for causing removal of an installation within a right-of-way of a highway as provided in this section.

(7) The actions of the department under this section are not subject to the provisions of Title 63, Chapter 46b, the Administrative Procedures Act.

Section 175. Section **72-7-105**, which is renumbered from Section 27-12-138 is renumbered and amended to read:

~~[27-12-138].~~ **72-7-105. Obstructing traffic on sidewalks or highways prohibited.**

(1) ~~[It is unlawful to]~~ A person may not:

(a) drive or place any vehicle, animal, or other thing upon or along any sidewalk except in crossing the sidewalk to or from abutting property[;]; or [to]

(b) permit the vehicle, animal, or other thing to remain on or across any sidewalk in a way that impedes or obstructs the ordinary use of the sidewalk.

(2) ~~[Vehicles]~~ (a) Except under Subsection (2)(b), vehicles, building material, or other similar things may be placed temporarily on highways in a manner that will not impede, endanger, or obstruct ordinary traffic[; but no].

(b) A highway authority may prohibit or may require the removal of vehicles, building material, or other obstructions [are permitted to remain] on any highway [contrary to instructions from the highway authority having] under their jurisdiction [over the highway].

Section 176. Section **72-7-106**, which is renumbered from Section 27-12-138.5 is renumbered and amended to read:

~~[27-12-138.5].~~ **72-7-106. Gates on B system county highways.**

(1) The county executive of any county may provide for the erection and maintenance of gates on the B system county highways in order to avoid the necessity of building highway fences.

(2) The person for whose immediate benefit the gates are erected or maintained shall in all cases bear the expense ~~[of such erections and maintenance].~~

(3) Nothing contained in Section ~~[27-12-138]~~ 72-7-105 shall be construed to prohibit any person from placing any unlocked, nonrestrictive gate across any B system county highway, or maintaining the same, with the approval of the county executive of that county.

(4) ~~[No gates shall]~~ A gate may not be allowed on any B system county highways except those gates allowed by the county executive in accordance with the provisions of this section. If the expense of the erection and maintenance of ~~[such]~~ the allowed gates is not paid or if any lock or

other device is placed upon [such] the gates so as to make them restrictive, the county executive of that county shall notify the responsible party that their approval is terminated and the gate shall [thereafter] be [deemed] considered to be an obstruction pursuant to Section [27-12-138] 72-7-105.

(5) [~~No~~] The placement or maintenance of gates with the consent of the county executive across B system county highways [~~nor the maintenance thereof~~] for the statutory period of time [shall] does not constitute [~~nor~~] or establish an abandonment by the county [~~or~~] and does not establish an easement on behalf of the person establishing [such] the gate.

(6) [~~Any~~] A person [committing] who commits any of the following acts [~~shall be~~] is guilty of a class B misdemeanor and [~~in addition, shall be~~] is liable for any and all damages suffered by any party as a result of [such] the acts:

- (a) leave open any gate, erected or maintained [pursuant to] under this section;
- (b) unnecessarily drive over the ground adjoining the highway on which [such] the a gate is erected;
- (c) place any lock or other restrictive device on [such] a gate; or
- (d) violate any rules or regulations of any county legislative body relating to [such] the gates within the county.

(7) The provisions of this section relating to maintenance and removal of gates over B system county highways [~~shall be deemed to apply~~] applies retrospectively to all [such] gates in existence on [~~the effective date of this act~~] April 1, 1976.

Section 177. Section **72-7-201**, which is renumbered from Section 27-12-137.2 is renumbered and amended to read:

Part 2. Junkyard Control Act

~~[27-12-137.2]~~. **72-7-201. Purpose.**

The regulation of junkyards in areas adjacent to any state highway included in the national system of interstate and primary highways is [~~hereby declared in the~~] a statewide public [interest] purpose and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering on [such] the highways.

Section 178. Section **72-7-202**, which is renumbered from Section 27-12-137.3 is renumbered and amended to read:

~~[27-12-137.3].~~ **72-7-202. Definitions.**

As used in ~~[Sections 27-12-137.3 through 27-12-137.13]~~ this part:

(1) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

~~[(2) "Interstate system" means that portion of the national defense system of interstate and defense highways located within this state officially designated pursuant to Title 23, United States Code, Highways.]~~

~~[(3)]~~ (2) "Junk" means old or scrap copper, brass, rope, rags, batteries, ~~[and] plastic, paper[;], trash[;],~~ rubber ~~[debris;],~~ waste~~[;],~~ junked, dismantled, or wrecked automobiles or their parts ~~[thereof;],~~ and iron, steel, and other old or scrap ferrous or nonferrous material.

~~[(4)]~~ (3) "Junkyard" means any place, establishment, or business maintained, used, or operated for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard~~[, and the term includes]~~. Junkyard includes a salvage yard, war surplus yard, garbage [dumps] dump, recycling [facilities] facility, garbage processing [facilities] facility, and sanitary land [fills] fill.

~~[(5) "Primary system" means that portion of connected main highways located within this state officially designated pursuant to Title 23, United States Code, Highways.]~~

Section 179. Section **72-7-203**, which is renumbered from Section 27-12-137.4 is renumbered and amended to read:

~~[27-12-137.4].~~ **72-7-203. License required.**

(1) A person may not establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, without obtaining a license ~~[to do so]~~ from the department under this part.

(2) A municipality may adopt ordinances, not in conflict with this part, to regulate the creation or maintenance of junkyards of any type within 660 feet of the right-of-way of designated

state and federal highways within the jurisdictional limits of the adopting municipality.

(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules, not in conflict with this part, to regulate the creation and maintenance of junkyards within 660 feet of the right-of-way of designated federal and state highways outside the jurisdictional limits of a municipality.

Section 180. Section **72-7-204**, which is renumbered from Section 27-12-137.5 is renumbered and amended to read:

[27-12-137.5]. 72-7-204. Issuance of licenses -- Fees -- Duration -- Renewal -- Disposition of proceeds.

(1) The department has the sole authority to issue licenses for the establishment, maintenance, and operation of junkyards within the limits defined in Section [27-12-137.4] 27-7-203, and shall charge a \$10 license fee payable annually in advance.

(2) All licenses issued under this section expire on the first day of January following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee.

(3) Proceeds from the license fee shall be deposited with the state treasurer and credited to the Transportation Fund.

Section 181. Section **72-7-205**, which is renumbered from Section 27-12-137.6 is renumbered and amended to read:

[27-12-137.6]. 72-7-205. Conditions for licensing of junkyard within 1,000 feet of highway.

(1) [A] The department may not grant a license [~~may not be granted~~] for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems [~~except those~~] unless the junkyard is:

(a) [~~that are~~] screened by natural objects, plantings, fences, or other appropriate means so [~~as~~] the junkyard is not [to be] visible from the main-traveled-way of the system; and

(b) (i) located within areas that are zoned for industrial use under [~~authority of law~~] county or municipal ordinances; [and] or

[~~(c)~~] (ii) located within unzoned industrial areas, [~~which areas shall be~~] determined by actual

land uses as defined by rules made by the department in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) A junkyard controlled by this [chapter] part may not be expanded or have its use extended except by permission of the department [pursuant to] under rules made by the department [rules].

Section 182. Section **72-7-206**, which is renumbered from Section 27-12-137.7 is renumbered and amended to read:

~~[27-12-137.7].~~ **72-7-206. Screening of existing junkyards.**

(1) ~~[Any]~~ The department shall screen any junkyard lawfully in existence on ~~[the effective date of Sections 27-12-137.3 through 27-12-137.13]~~ May 9, 1967, which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled-way of any highway on the interstate or primary system ~~[shall be screened, if considered feasible by the department].~~

(2) The screening shall be at locations on the right-of-way or in areas outside the right-of-way acquired for that purpose and ~~[shall]~~ may not be visible from the main-traveled-way of the interstate or federal-aid primary systems.

~~[(2) Junkyard]~~ (3) The department may not install junkyard screening ~~[may not be undertaken pursuant to this subsection]~~ under this section unless the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state.

Section 183. Section **72-7-207**, which is renumbered from Section 27-12-137.9 is renumbered and amended to read:

~~[27-12-137.9].~~ **72-7-207. Junkyards not adaptable to screening -- Authority of department to acquire land -- Compensation.**

(1) If the department determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of junkyards or that screening would not be economically feasible, the department may acquire by gift, purchase, exchange, or eminent domain the interests in lands necessary to secure the relocation, removal, or disposal of the junkyards.

(2) If the department determines that it is in the best interests of the state, it may acquire

lands, or interests in lands, necessary to provide adequate screening of junkyards.

(3) The acquisitions provided for in this section may not be undertaken unless the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state.

(4) Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.

(5) Just compensation shall be paid the owner for the relocation, removal, or disposal of a junkyard lawfully established under the laws of this state and which must be relocated, removed, or disposed of under [~~Sections 27-12-137.3 through 27-12-137.13~~] this part.

Section 184. Section **72-7-208**, which is renumbered from Section 27-12-137.10 is renumbered and amended to read:

~~[27-12-137.10].~~ **72-7-208. Junkyard operated in violation of provisions is public nuisance -- Abatement -- Correction notice.**

(1) The establishment, operation, or maintenance of any junkyard contrary to the provisions of [~~Sections 27-12-137.3 through 27-12-137.13~~] this part is a public nuisance, and the department, with the advice of the attorney general, may apply to the district court of the county in which the junkyard is located for an injunction to abate the nuisance.

(2) A correction notice of 30 days shall be given the owner prior to filing for an injunction to abate the nuisance.

(3) A notice is not required prior to filing a misdemeanor complaint [~~pursuant to~~] under Section [~~27-12-137.13~~] 72-7-211.

Section 185. Section **72-7-209**, which is renumbered from Section 27-12-137.11 is renumbered and amended to read:

~~[27-12-137.11].~~ **72-7-209. Enforcement authority -- Agreements with United States.**

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules:

(a) governing the materials that may be used for screening and the location, construction,

and maintenance of screening for junkyards; and

(b) implementing and enforcing [~~Sections 27-12-137.3 through 27-12-137.13~~] this part.

(2) The department may:

(a) enter into agreements with the secretary pursuant to Title 23, United States Code as amended, relating to the control of junkyards in areas adjacent to the interstate and primary systems; and

(b) take action in the name of the state to comply with the terms of the agreements.

Section 186. Section **72-7-210**, which is renumbered from Section 27-12-137.12 is renumbered and amended to read:

~~[27-12-137.12].~~ **72-7-210. Present ordinances or regulations may be stricter.**

Nothing in this [~~act shall affect~~] part affects the provisions of any lawful ordinance or regulation which is more restrictive than the provisions of this [~~act~~] part.

Section 187. Section **72-7-211**, which is renumbered from Section 27-12-137.13 is renumbered and amended to read:

~~[27-12-137.13].~~ **72-7-211. Violations -- Misdemeanor.**

A person who violates any provision of [~~Sections 27-12-137.3 through 27-12-137.13~~] this part or rules of the department made under [~~Sections 27-12-137.3 through 27-12-137.13~~] this part is guilty of a class B misdemeanor.

Section 188. Section **72-7-301**, which is renumbered from Section 27-12-144 is renumbered and amended to read:

Part 3. Highway Damage Liability

~~[27-12-144].~~ **72-7-301. Liability for damage to highway, highway equipment, or highway sign -- Liability for damage to highway from illegal operation of oversize or overweight vehicles -- Recovery.**

(1) [~~Any~~] A person who by any means willfully or negligently injures or damages any highway, highway equipment, or highway sign is liable for the damage.

(2) [~~Any~~] A person [~~operating~~] who operates or [~~moving~~] moves any vehicle or object on any highway is liable for all damage that the highway sustains from:

(a) any illegal operation or movement of a vehicle or object; ~~[or]~~ and

(b) ~~[operation or movement of]~~ any vehicle or object that exceeds the maximum size, weight, or load limitations specified by law, with or without authority of an oversize or overweight permit.

(3) (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or object but is operating or moving the vehicle or object with the express or implied permission of the owner, the owner and operator are jointly and severally liable under Subsection (2) for any damage caused to a highway by the operation or movement of the vehicle or object.

(b) An operator who is not the owner of the vehicle or object and who under an express or implied condition of his employment or any privilege related to his employment is required to operate or move a vehicle or object in violation of ~~[Section 27-12-148.5, 27-12-149, 27-12-151, or 27-12-154]~~ Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage caused to a highway by the illegal operation or movement of the vehicle or object.

(4) The value of the property damaged may be recovered in a civil action brought by the highway authority having jurisdiction over the property damaged.

Section 189. Section **72-7-302**, which is renumbered from Section 27-12-143 is renumbered and amended to read:

~~[27-12-143].~~ **72-7-302. Violations of rules as to use -- Damage to signs, warnings, or barriers -- Penalty.**

(1) A person is guilty of a class B misdemeanor who:

(a) willfully violates any of the rules of the department or the commission ~~[as to]~~ on the use of state highways or traffic on them; or

(b) willfully and unlawfully removes, defaces, or interferes with any highway sign, signal, notice, warning, or barrier.

(2) A person who commits an offense under Subsection (1)(b) that results in any injury to persons or damage to property is guilty of a class A misdemeanor.

Section 190. Section **72-7-303**, which is renumbered from Section 27-12-141 is renumbered and amended to read:

~~[27-12-141].~~ **72-7-303. Escaping water and other obstructions -- Injuring or**

obstructing highway -- Penalty for violations.

[Any] (1) A person [who] may not willfully or carelessly [obstructs];

(a) obstruct or [injures] damage any public highway by causing or permitting flow or seepage of water[~~or who willfully or carelessly permits~~];

(b) permit water under [his] the person's control to escape in any manner [~~so as to injure any such~~] that results in damage to a public highway[~~and any person who willfully or carelessly places~~];

(c) place or [~~leaves~~] leave, or [~~causes~~] cause to be placed or left, anything upon [~~any such~~] a public highway in [~~such~~] a way [~~as to obstruct~~] that obstructs travel or [~~to endanger~~] that endangers property or persons passing [~~upon such~~] on the highway[~~;~~].

(2) A person who violates this section is guilty of a class B misdemeanor.

Section 191. Section **72-7-304**, which is renumbered from Section 27-12-142 is renumbered and amended to read:

~~[27-12-142].~~ **72-7-304. Injury to trees on highways -- Penalty for violations.**

[Whoever digs] (1) A person may not dig up, [~~cuts~~] cut down, or otherwise [~~injures or~~] willfully [~~destroys~~] damage or destroy any shade, ornamental, or other tree, planted and standing on any public highway in conformity to law.

(2) A person who violates this section is guilty of a class B misdemeanor[~~;~~] and [~~shall also be~~] is liable to the owner of the tree for treble the amount of damages sustained.

Section 192. Section **72-7-305**, which is renumbered from Section 27-12-139 is renumbered and amended to read:

~~[27-12-139].~~ **72-7-305. Driving animals over highways -- Liability for damages.**

[Any] (1) Except for a livestock highway, a person who drives a herd of domestic animals over a public highway [~~which is not a livestock highway as provided by law shall be~~] is liable for any damage done by [~~such~~] the animals in destroying the banks or rolling rocks into or upon [~~such~~] the highway. [~~Such~~]

(2) The damage may be recovered in a civil action brought by [~~the~~] a highway [~~authorities~~] authority having jurisdiction over [~~such~~] the highway.

Section 193. Section **72-7-306**, which is renumbered from Section 27-12-140 is renumbered

and amended to read:

~~[27-12-140].~~ **72-7-306. Limited highways -- Penalty for driving animals over.**

(1) ~~[Where public highways are]~~ A highway authority may declare a public highway that is laid out through improved lands [and such lands] that are not protected by fences along the lines of the [highways] highway passing through [them] it, [the highway authorities having jurisdiction over such highways, may declare them] to be limited highways. A notice to that effect shall be posted at each end of [such] a limited [highways, and any] highway.

(2) A person who willfully drives any band or herd of domestic animals over [such highways other than] a limited highway except during the time that the abutting lands are thrown open to the public by the owners [thereof] for grazing purposes, is guilty of a class B misdemeanor.

Section 194. Section **72-7-401**, which is renumbered from Section 27-12-148 is renumbered and amended to read:

Part 4. Vehicle Size, Weight, and Load Limitations

~~[27-12-148].~~ **72-7-401. Application of size, weight, and load limitations for vehicles -- Exceptions.**

(1) (a) Except as provided in Subsection (2), the maximum size, weight, and load limitations on vehicles under ~~[Sections 27-12-146 through 27-12-154]~~ this part apply to all highways throughout the state.

(b) Local authorities may not alter the limitations except as expressly provided under Sections ~~[27-12-145 and]~~ 41-6-17 and 72-7-408.

(2) Except as specifically made applicable, the size, weight, and load limitations in this chapter do not apply to:

- (a) fire-fighting apparatus;
- (b) highway construction and maintenance equipment being operated at the site of maintenance or at a construction project as authorized by a highway ~~[authorities]~~ authority;
- (c) implements of husbandry incidentally moved on a highway while engaged in an agricultural operation or incidentally moved for repair or servicing, subject to the provisions of Section ~~[27-12-148.5]~~ 72-7-407;

(d) vehicles transporting logs or poles from forest to sawmill:

(i) when required to move upon a highway other than the national system of interstate and defense highways;

(ii) if the gross vehicle weight does not exceed 80,000 pounds; and

(iii) the vehicle or combination of vehicles are in compliance with Subsections [~~27-12-151~~] 72-7-404 (1) and (2)(a); and

(e) tow trucks or towing vehicles under emergency conditions when:

(i) it becomes necessary to move a vehicle, combination of vehicles, special mobile equipment, or objects to the nearest safe area for parking or temporary storage;

(ii) no other alternative is available; and

(iii) the movement is for the safety of the traveling public.

(3) (a) Except when operating on the national system of interstate and defense highways, a motor vehicle carrying livestock as defined in Section 4-1-8, or a motor vehicle carrying raw grain if the grain is being transported by the farmer from his farm to market prior to bagging, weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight limitations specified under Section [~~27-12-151~~] 72-7-404 without obtaining an overweight permit under Section [~~27-12-154~~] 72-7-406.

(b) Subsection (a) is an exception to Sections [~~27-12-151~~] 72-7-404 and [~~27-12-154~~] 72-7-406.

Section 195. Section **72-7-402**, which is renumbered from Section 27-12-149 is renumbered and amended to read:

~~[27-12-149]~~. **72-7-402. Limitations as to vehicle width, height, length, and load extensions.**

(1) (a) [All] Except as provided by statute, all state or federally approved safety devices and any other lawful appurtenant devices, including refrigeration units, hitches, air line connections, and load securing devices related to the safe operation of a vehicle are excluded for purposes of measuring the width and length of a vehicle under the provisions of this [chapter] part, if the devices are not designed or used for carrying cargo.

(b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles under the provisions of this [chapter] part.

(2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

(3) A vehicle unladen or with a load may not exceed a height of 14 feet.

(4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet including front and rear bumpers.

(ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not considered a single-unit vehicle.

(b) (i) Except as provided under Subsection (b)(iii), a semitrailer, unladen or with a load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.

(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is 48 feet or less.

(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet may operate on a route designated by the department or within one mile of that route.

(c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

(ii) There is no overall length limitation on a truck tractor and double trailer combination when the trailers coupled together measure 61 feet or less.

(d) All other combinations of vehicles, unladen or with a load, when coupled together, may not exceed a total length of 65 feet, except the length limitations do not apply to combinations of vehicles operated at night by a public utility when required for emergency repair of public service facilities or properties, or when operated under a permit under Section [~~27-12-154~~] 72-7-406.

(5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any load extending more than three feet beyond the front of the body of the vehicle or more than six feet beyond the rear of the bed or body of the vehicle.

(b) A passenger vehicle may not carry any load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the

right side of the vehicle.

(6) Any exception to this section must be authorized by a permit as provided under Section [27-12-154] 72-7-406.

(7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules designating routes where a semitrailer that exceeds a length of 48 feet but that does not exceed a length of 53 feet may operate as provided under Subsection (4)(b)(iii).

(8) Any person who violates this section is guilty of a class B misdemeanor.

Section 196. Section **72-7-403**, which is renumbered from Section 27-12-150 is renumbered and amended to read:

~~[27-12-150].~~ **72-7-403. Towing requirements and limitations on towing.**

(1) (a) The draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other except in the case of a connection between any two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer as defined in Section 41-6-1.

(b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on or near the midpoint of the connection.

(2) A person may not operate a combination of vehicles when any trailer, semitrailer, or other vehicle being towed:

(a) whips or swerves from side to side dangerously or unreasonably[~~;~~]; or

(b) fails to follow substantially in the path of the towing vehicle.

(3) [~~Any~~] A person who violates this section is guilty of a class B misdemeanor.

Section 197. Section **72-7-404**, which is renumbered from Section 27-12-151 is renumbered and amended to read:

~~[27-12-151].~~ **72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for weight limitations -- Minimum mandatory fines.**

(1) (a) As used in this section:

(i) "Axle load" means the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.

(ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension.

(b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may not carry a greater weight than the manufacturer's rating.

(2) (a) A vehicle may not be operated or moved on any highway in the state with:

(i) a gross weight in excess of 10,500 pounds on one wheel;

(ii) a single axle load in excess of 20,000 pounds; or

(iii) a tandem axle load in excess of 34,000 pounds.

(b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle or combination of vehicles may not exceed 80,000 pounds.

(3) (a) Subject to the limitations in Subsection (2), no group of two or more consecutive axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or combination of vehicles may carry a gross weight in excess of the weight provided by the following bridge formula, except as provided in Subsection (3)(b):

$$W = 500 \{LN/(N-1) + 12N+36\}$$

(i) W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.

(ii) L = distance in feet between the extreme of any group of two or more consecutive axles. When the distance in feet includes a fraction of a foot of one inch or more the next larger number of feet shall be used.

(iii) N = number of axles in the group under consideration.

(b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(4) Any exception to this section must be authorized by an overweight permit as provided in Section [~~27-12-154~~] 72-7-406.

(5) (a) Any person who violates this section is guilty of a class B misdemeanor except that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest minimum mandatory fine of either:

- (i) \$50 plus the sum of the overweight axle fines calculated under Subsection (b); or
- (ii) \$50 plus the gross vehicle weight fine calculated under Subsection (b).

(b) The fine for each axle and a gross vehicle weight violation shall be calculated according to the following schedule:

Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine (Cents per Pound)
1 - 2,000	0	0
2,001 - 5,000	4	5
5,001 - 8,000	5	5
8,001 - 12,000	6	5
12,001 - 16,000	7	5
16,001 - 20,000	9	5
20,001 - 25,000	11	5
25,001 or more	13	5

Section 198. Section **72-7-405**, which is renumbered from Section 27-12-153 is renumbered and amended to read:

[27-12-153]. 72-7-405. Measuring vehicles for size and weight compliance --

Summary powers of peace officers -- Penalty for violations.

(1) Any peace officer having reason to believe that the height, width, length, or weight of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a measurement or weighing of the vehicle and load.

(2) A peace officer may require that the vehicle be driven to the nearest scales or port-of-entry if the scales or port-of-entry is within three miles.

(3) (a) A peace officer, special function officer, or port-of-entry agent may measure or weigh

a vehicle and vehicle load for compliance with this chapter.

(b) If, upon measuring or weighing a vehicle and load, it is determined that the height, width, length, or weight is unlawful, the measuring or weighing peace officer, special function officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place. The vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load is removed to conform to legal limits. All materials unloaded shall be cared for by the owner or operator of the vehicle at his risk.

(4) ~~[Any]~~ An operator who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by a peace officer, special function officer, or port-of-entry agent to comply with this section is guilty of a class B misdemeanor.

(5) Any driver or owner of a vehicle who violates Section ~~[27-12-150, 27-12-151,]~~ 72-7-404 or ~~[27-12-154]~~ 72-7-406 is guilty of a class B misdemeanor.

Section 199. Section **72-7-406**, which is renumbered from Section 27-12-154 is renumbered and amended to read:

~~[27-12-154].~~ **72-7-406. Oversize permits and oversize and overweight permits for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty.**

(1) (a) The department may, upon receipt of an application and good cause shown, issue in writing an oversize permit or an oversize and overweight permit. The oversize permit or oversize and overweight permit may authorize the applicant to operate or move upon a highway:

(i) a vehicle or combination of vehicles, unladen or with a load weighing more than the maximum weight specified in Section ~~[27-12-151]~~ 72-7-404 for any wheel, axle, group of axles, or total gross weight; or

(ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length provisions under Section ~~[27-12-149]~~ 72-7-402.

(b) Except as provided under Subsection (8), an oversize and overweight permit may not be issued under this section to allow the transportation of a load that is reasonably divisible.

(c) The maximum size or weight authorized by a permit under this section shall be within

limits that do not impair the state's ability to qualify for federal-aid highway funds.

(d) The department may deny or issue a permit under this section to protect the safety of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:

(i) limiting the number of trips the vehicle may make;

(ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;

(iii) requiring security in addition to the permit to compensate for any potential damage by the vehicle to any highway; and

(iv) otherwise limiting the conditions of operation or movement of the vehicle.

(e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

(2) An application for a permit under this section shall state:

(a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each vehicle or combination of vehicles;

(b) the proposed maximum load size and maximum size of each vehicle or combination of vehicles;

(c) the specific roads requested to be used under authority of the permit; and

(d) if the permit is requested for a single trip or if other seasonal limits or time limits apply.

(3) Each oversize permit or oversize and overweight permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be available for inspection by any peace officer, special function officer, port of entry agent, or other personnel authorized by the department.

(4) A permit under this section may not be issued or is not valid unless the vehicle or combination of vehicles is:

(a) properly registered for the weight authorized by the permit; or

(b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden weight authorized by the permit exceeds 80,000 pounds.

(5) (a) (i) An oversize permit may be issued under this section for a vehicle or combination

of vehicles that exceeds one or more of the maximum width, height, or length provisions under Section ~~[27-12-149]~~ 72-7-402.

(ii) Except for an annual oversize permit for an implement of husbandry under Section ~~[27-12-148.5]~~ 72-7-407, only a single trip oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet six inches wide, 14 feet high, or 105 feet long.

(b) The fee is \$25 for a single trip oversize permit under this subsection. This permit is valid for not more than 96 continuous hours.

(c) The fee is \$60 for a semiannual oversize permit under this subsection. This permit is valid for not more than 180 continuous days.

(d) The fee is \$75 for an annual oversize permit under this subsection. This permit is valid for not more than 365 continuous days.

(6) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the maximum weight provisions of Section ~~[27-12-151]~~ 72-7-404 by not more than 25%, except that the gross weight may not exceed 125,000 pounds.

(b) The fee is \$50 for a single trip oversize and overweight permit under this subsection. This permit is valid for not more than 96 continuous hours.

(c) A semiannual oversize and overweight permit under this subsection is valid for not more than 180 continuous days. The fee for this permit is:

(i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(d) An annual oversize and overweight permit under this subsection is valid for not more than 365 continuous days. The fee for this permit is:

(i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more than

80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(7) (a) A single trip oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceed one or more of the maximum weight provisions of Section ~~[27-12-151]~~ 72-7-404 by more than 25% or that exceeds a gross weight of 125,000 pounds.

(b) (i) The fee for a single trip oversize and overweight permit under this subsection, which is valid for not more than 96 continuous hours, is \$.01 per mile for each 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection ~~(7)~~(c).

(ii) The minimum fee that may be charged under this subsection is \$65.

(iii) The maximum fee that may be charged under this subsection is \$450.

(c) (i) The miles used to calculate the fee under this subsection shall be rounded up to the nearest 50 mile increment.

(ii) The pounds used to calculate the fee under this subsection shall be rounded up to the nearest 25,000 pound increment.

(8) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a divisible load if:

(i) the bridge formula under Subsection ~~[27-12-151]~~ 72-7-404(3) is not exceeded; and

(ii) the length of the vehicle or combination of vehicles is:

(A) more than 65 feet but not exceeding 92 feet and the application is for a single trip or semiannual trip permit; or

(B) more than 92 feet but not exceeding 105 feet and the application is for an annual trip permit.

(b) The fee is \$50 for a single trip oversize and overweight permit under this subsection. The permit is valid for not more than 96 continuous hours.

(c) The fee for a semiannual oversize and overweight permit under this subsection, which permit is valid for not more than 180 continuous days is:

(i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(d) The fee for an annual oversize and overweight permit under this subsection, which permit is valid for not more than 365 continuous days is:

(i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(9) Permits under Subsections (7) and (8) may be issued only upon authorization of the commission.

(10) Permit fees collected under this section shall be credited monthly to the Transportation Fund.

(11) The department shall prepare maps, drawings, and instructions as guidance when issuing permits under this section.

(12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules governing the issuance and revocation of all permits under this section and Section [~~27-12-148.5~~] 72-7-407.

(13) Any person who violates any of the terms or conditions of a permit issued under this section:

(a) may have his permit revoked; and

(b) is guilty of a class B misdemeanor.

Section 200. Section **72-7-407**, which is renumbered from Section 27-12-148.5 is renumbered and amended to read:

~~[27-12-148.5].~~ **72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize permit -- Rulemaking -- Penalty.**

(1) As used in this section, "escort vehicle" means a motor vehicle, as defined under Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn approaching motorists by either preceding or following a slow or oversized vehicle, object, or implement of husbandry being moved on the highway.

(2) An implement of husbandry being moved on a highway shall be accompanied by:

(a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or greater unless the implement of husbandry is moved by a farmer or rancher or his employees in connection with an agricultural operation; or

(b) one or more escort vehicles when the implement of husbandry is traveling on a highway where special hazards exist related to weather, pedestrians, other traffic, or highway conditions.

(3) In addition to the requirements of Subsection (2), a person may not move an implement of husbandry on a highway during hours of darkness without lights and reflectors as required under Section 41-6-130 or 41-6-130.5.

(4) (a) Except for an implement of husbandry moved by a farmer or rancher or ~~[his]~~ the farmer's or rancher's employees in connection with an agricultural operation, a person may not move an implement of husbandry on the highway without:

(i) an oversize permit obtained under Section ~~[27-12-154]~~ 72-7-406 if required;

(ii) trained escort vehicle drivers and approved escort vehicles when required under Subsection (2); and

(iii) compliance with the vehicle weight requirements of Section ~~[27-12-151]~~ 72-7-404.

(b) (i) The department shall issue an annual oversize permit for the purpose of allowing the movement of implements of husbandry on the highways in accordance with this chapter.

(ii) The permit shall require the applicant to obtain verbal permission from the department

for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

(c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules specifying training for escort vehicle drivers and equipment requirements for escort vehicles as provided in Subsection (a).

(5) Any person who violates this section is guilty of a class B misdemeanor.

Section 201. Section **72-7-408**, which is renumbered from Section 27-12-145 is renumbered and amended to read:

**[27-12-145]. 72-7-408. Highway authority -- Restrictions on highway use --
Erection and maintenance of signs designating restrictions -- Penalty.**

(1) [A] (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance prescribe procedures and criteria which prohibit the operation of any vehicle or impose restrictions on the weight of a vehicle upon any highway under its jurisdiction.

(b) A highway authority may impose restrictions under Subsection (1)(a) if an engineering inspection concludes that due to deterioration caused by climatic conditions a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are restricted.

(2) A highway authority may not prohibit the operation of any vehicle or restrict the weight of a vehicle under Subsection (1) for more than 90 days in any one calendar year.

(3) The highway authority imposing restrictions under this section shall erect signs citing the provisions of the rule or ordinance [adopted] at each end of that portion of any highway affected. The restriction is effective only when the signs are erected and maintained.

(4) Any person who violates any restriction imposed under the authority of this section is guilty of a class B misdemeanor.

Section 202. Section **72-7-409**, which is renumbered from Section 27-12-146 is renumbered and amended to read:

**[27-12-146]. 72-7-409. Loads on vehicles -- Limitations -- Confining, securing,
and fastening load required -- Penalty.**

(1) A vehicle may not be operated or moved on any highway unless the vehicle is

constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(2) (a) In addition to the requirements under Subsection (1), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

(i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and

(ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.

(b) The following material is exempt from the provisions of Subsection (2)(a):

(i) hot mix asphalt;

(ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form that is not susceptible to being blown out of the vehicle;

(iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and

(iv) material listed under Subsection (2)(a) that is enclosed on all sides by containers, bags, or packaging.

(c) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (2)(a) so long as the chemical substance remains effective at confining the load.

(3) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section if the vehicle's load is screened to a particle size established by a rule of the department.

(b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.

(4) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

(5) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (2), shall remove all loose material on any portion of the vehicle not designed to carry the material.

(6) Any person who violates this section is guilty of a class B misdemeanor.

Section 203. Section **72-7-501**, which is renumbered from Section 27-12-136.2 is renumbered and amended to read:

Part 5. Utah Outdoor Advertising Act

[27-12-136.2]. 72-7-501. Purpose of part -- Utah-Federal Agreements ratified.

(1) The purpose of this [act] part is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this state in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively.

(2) It is the purpose of this [act] part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with the customary use, zoning principles and standards, the protection of private property rights, and the public policy relating to areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway systems highways.

(3) The agreement entered into between the governor of the state of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined pursuant to the terms of the agreement is hereby ratified and approved, subject to subsequent amendments.

Section 204. Section **72-7-502**, which is renumbered from Section 27-12-136.3 is

renumbered and amended to read:

~~[27-12-136.3].~~ 72-7-502. Definitions.

As used in this [chapter] part:

(1) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence; and

(e) railroad tracks and minor sidings.

(2) "Commercial or industrial zone" means only:

(a) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(b) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(c) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:

(i) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and

(ii) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or

(d) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as

measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.

(3) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.

(4) "Comprehensive local zoning ordinances or regulations" means a municipality's comprehensive plan required by Section 10-9-301, the municipal zoning plan authorized by Section 10-9-401, and the county master plan authorized by Sections 17-27-301 and 17-27-401. Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

~~[(5) "Department" means the Department of Transportation.]~~

~~[(6)]~~ (5) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.

~~[(7)]~~ (6) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.

(b) "Erect" does not include any activities defined in Subsection (a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.

~~[(8) "Federal aid primary highway and national highway systems highways" means that portion of connected main highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, United States Code.]~~

~~[(9)]~~ (7) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.

~~[(10)]~~ (8) "Information center" means an area or site established and maintained at rest areas

for the purpose of informing the public of:

- (a) places of interest within the state; or
- (b) any other information that the department considers desirable.

~~[(11)]~~ (9) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.

~~[(12)]~~ ~~"Interstate system" means that portion of the national defense system of interstate and defense highways located within this state officially designated by the department and approved by the United States Secretary of Transportation under Title 23, United States Code.]~~

~~[(13)]~~ (10) "Maintain" means to allow to exist, subject to the provisions of this chapter.

~~[(14)]~~ (11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.

~~[(15)]~~ (12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.

~~[(16)]~~ (13) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.

~~[(17)]~~ (14) "Off-premise signs" means signs located in areas zoned industrial, commercial, or H-1 and in areas determined by the department to be unzoned industrial or commercial.

~~[(18)]~~ (15) "On-premise signs" means signs used to advertise the major activities conducted on the property where the sign is located.

~~[(19)]~~ (16) "Outdoor advertising" means any outdoor advertising structure or outdoor structure used in combination with an outdoor advertising sign or outdoor sign.

~~[(20)]~~ (17) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.

~~[(21)]~~ (18) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.

~~[(22)]~~ (19) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.

~~[(23)]~~ (20) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

~~[(24)]~~ (21) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area to accommodate the displacement, remodeling, or widening of the highway systems.

~~[(25)]~~ (22) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this act and that is located in a commercial or industrial area.

~~[(26)]~~ (23) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

~~[(27)]~~ (24) "Scenic or natural area" means an area determined by the department to have aesthetic value.

~~[(28)]~~ (25) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

~~[(29)]~~ (26) (a) "Unzoned commercial or industrial area" means:

- (i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;
- (ii) the lands along the highway for a distance of 600 feet immediately adjacent to those

activities; and

(iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.

(b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.

(c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.

~~[(30)]~~ (27) "Urbanized county" means a county with a population of at least 125,000 persons.

Section 205. Section **72-7-503**, which is renumbered from Section 27-12-136 is renumbered and amended to read:

~~[27-12-136].~~ **72-7-503. Advertising -- Permit required -- Penalty for violation.**

(1) It is unlawful for any person to place any form of advertising upon any part of the public domain, or within 300 feet of a public highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along the highway, without first receiving a permit from the department, if a state highway, or from the county executive, if a county road.

(2) Any person who violates ~~[any provision of]~~ this section is guilty of a class B misdemeanor.

Section 206. Section **72-7-504**, which is renumbered from Section 27-12-136.4 is renumbered and amended to read:

~~[27-12-136.4].~~ **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.**

(1) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:

(a) directional and other official signs and notices authorized or required by law, including

signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;

- (b) signs advertising the sale or lease of property upon which they are located;
- (c) signs advertising activities conducted on the property where they are located;
- (d) signs located in a commercial or industrial zone;
- (e) signs located in unzoned industrial or commercial areas as determined from actual land

uses; and

- (f) logo advertising under Subsection (2).

(2) (a) The department may itself or by contract erect, administer, and maintain informational signs on the main-traveled way of an interstate or primary system for the display of logo advertising and information of interest to the traveling public if:

(i) the department complies with Title 63, Chapter 56, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and

(ii) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this subsection.

(b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.

(c) The department may consult the Division of Travel Development in carrying out this subsection.

(3) (a) Revenue generated under Subsection (2) shall be:

- (i) applied first to cover department costs under Subsection (2); and
- (ii) deposited in the Transportation Fund.

(b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the General Fund as a dedicated credit for use by the Division of Travel Development no later than the following fiscal year.

(4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the rules

made by the department under Sections [27-12-136.6] 72-7-506 and [27-12-136.7] 72-7-507.

Section 207. Section **72-7-505**, which is renumbered from Section 27-12-136.5 is renumbered and amended to read:

[27-12-136.5]. 72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor -- Limit on implementation.

(1) (a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:

- (i) maximum area - 1,000 square feet;
- (ii) maximum length - 60 feet; and
- (iii) maximum height - 25 feet.

(b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.

(c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.

(d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.

(2) (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the

ground or 25 feet above the grade of the main traveled way, whichever is greater.

(3) Except as provided in Section [~~27-12-136.10~~] 72-7-509:

(a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection [~~27-12-136.4~~] 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.

(b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:

(i) public parks;

(ii) public forests;

(iii) public playgrounds;

(iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or

(v) cemeteries.

(c) (i) (A) Except under Subsection (ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.

(ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

(A) the sign is at least 500 feet but not more than 2,640 feet from the nearest point of the intersecting highway of the interchange; or

(B) the sign is replacing an existing outdoor advertising use or structure which is being

removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway, and it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.

(d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:

(i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

(e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.

(4) Subsection (3)(c)(ii) may not be implemented until:

(a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system is modified to allow the sign placement specified in Subsection (3)(c)(ii); and

(b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Section 208. Section **72-7-506**, which is renumbered from Section 27-12-136.6 is renumbered and amended to read:

~~[27-12-136.6].~~ **72-7-506. Advertising -- Regulatory power of department -- Notice requirements.**

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department may make rules no more restrictive than this chapter to:

(a) control the erection and maintenance of outdoor advertising along the interstate and

primary highway systems;

- (b) provide for enforcement of this chapter;
- (c) establish the form, content, and submittal of applications to erect outdoor advertising;

and

- (d) establish administrative procedures.
- (2) In addition to all other statutory notice requirements:

(a) the department shall give reasonably timely written notice to all outdoor advertising permit holders of any changes or proposed changes in administrative rules made under authority of ~~[the Utah Outdoor Advertising Act]~~ this part; and

(b) any county, municipality, or governmental entity shall, upon written request, give reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

Section 209. Section **72-7-507**, which is renumbered from Section 27-12-136.7 is renumbered and amended to read:

~~[27-12-136.7].~~ **72-7-507. Advertising -- Permits -- Application requirements --**

Duration -- Fees.

- (1) (a) Outdoor advertising may not be maintained without a current permit.
- (b) Applications for permits shall be made to the department on forms furnished by it.
- (c) A permit must be obtained prior to installing each outdoor sign.
- (d) The application for a permit shall be accompanied by an initial fee established under

Section 63-38-3.2.

(2) (a) Each permit issued by the department is valid for a period of up to five years and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the right to use the property, whichever is sooner.

(b) Upon renewal, each permit may be renewed for periods of up to five years upon the filing of a renewal application and payment of a renewal fee established under Section 63-38-3.2.

- (3) Sign owners residing outside the state shall provide the department with a continuous

performance bond in the amount of \$2,500.

(4) Fees may not be prorated for fractions of the permit period. Advertising copy may be changed at any time without payment of an additional fee.

(5) (a) Each sign shall have its permit continuously affixed to the sign in a position visible from the nearest traveled portion of the highway.

(b) The permit shall be affixed to the sign structure within 30 days after delivery by the department to the permit holder, or within 30 days of the installation date of the sign structure.

(c) Construction of the sign structure shall begin within 180 days after delivery of the permit by the department to the permit holder and construction shall be completed within 365 days after delivery of the permit.

(6) The department may not accept any applications for a permit or issue any permit to erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the permit holder or the permit holder's assigns until the permit has expired or has been terminated pursuant to the procedures under Section [~~27-12-136.9~~] 72-7-508.

(7) Permits are transferrable if the ownership of the permitted sign is transferred.

(8) Conforming, permitted sign structures may be altered, changed, remodeled, and relocated subject to the provisions of Subsection (6).

Section 210. Section **72-7-508**, which is renumbered from Section 27-12-136.9 is renumbered and amended to read:

~~[27-12-136.9].~~ 72-7-508. Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial review -- Costs of removal -- Civil and criminal liability for damaging regulated signs -- Immunity for Department of Transportation.

(1) Outdoor advertising is unlawful when:

(a) erected after May 9, 1967, contrary to the provisions of this chapter;

(b) a permit is not obtained as required by this [chapter] part;

(c) a false or misleading statement has been made in the application for a permit that was material to obtaining the permit; or

(d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe, or

is otherwise in violation of this [chapter] part.

(2) The establishment, operation, repair, maintenance, or alteration of any sign contrary to this chapter is also a public nuisance.

(3) Except as provided in Subsection (4), in its enforcement of this section, the department [of Transportation] shall comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act.

(4) (a) The district courts shall have jurisdiction to review by trial de novo all final orders of the department [of Transportation] under this [act] part resulting from formal and informal adjudicative proceedings.

(b) Venue for judicial review of final orders of the department [of Transportation] shall be in the county in which the sign is located.

(5) If the department [of Transportation] is granted a judgment, the department [of Transportation] is entitled to have any nuisance abated and recover from the responsible person, firm, or corporation, jointly and severally:

(a) the costs and expenses incurred in removing the sign; and

(b) \$10 for each day the sign was maintained following the expiration of ten days after notice of agency action was filed and served under Section 63-46b-3.

(6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces, destroys, or uses any sign controlled under this chapter without the owner's permission is liable to the owner of the sign for treble the amount of damage sustained and all costs of court, including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

(b) This subsection does not apply to the department, its agents, or employees if acting to enforce this [chapter] part.

Section 211. Section **72-7-509**, which is renumbered from Section 27-12-136.10 is renumbered and amended to read:

~~[27-12-136.10].~~ **72-7-509. Existing outdoor advertising not in conformity with part -- When removal required -- When relocation allowed.**

(1) Any outdoor advertising lawfully in existence along the interstate or the primary systems

on ~~[the effective date of this act]~~ May 9, 1967, and which is not then in conformity with its provisions is not required to be removed until five years after it becomes nonconforming or pursuant to the provisions of Section ~~[27-12-136.11]~~ 72-7-510.

(2) Any existing outdoor advertising structure that does not comply with Section ~~[27-12-136.5]~~ 72-7-505, but that is located in an industrial and commercial area, an unzoned industrial and commercial area, or an area where outdoor advertising would otherwise be permitted, may be remodeled and relocated on the same property in a commercial or industrial zoned area, or another area where outdoor advertising would otherwise be permitted under this ~~[act]~~ part.

Section 212. Section **72-7-510**, which is renumbered from Section 27-12-136.11 is renumbered and amended to read:

~~[27-12-136.11]~~. **72-7-510. Existing outdoor advertising not in conformity with part -- Procedure -- Eminent domain -- Compensation -- Relocation.**

(1) As used in this section, "nonconforming sign" means a sign that has been erected in a zone or area other than commercial or industrial or where outdoor advertising is not permitted under this ~~[act]~~ part.

(2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this ~~[chapter]~~ part become nonconforming.

(b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this ~~[chapter]~~ part, prevents the maintenance as defined in Section ~~[27-12-136.3]~~ 72-7-502, requires that maintenance of an existing sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.

(c) Eminent domain shall be exercised in accordance with the provision of Title 78, Chapter 34, Eminent Domain.

(3) (a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located,

acquired through the processes of eminent domain.

(b) For the purposes of this [act] part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.

(c) The department is empowered to remove signs found in violation of Section ~~[27-12-136.9]~~ 72-7-508 without payment of any compensation.

(4) Except as specifically provided in this section or Section ~~[27-12-136.11 or 27-12-136.14]~~ 72-7-513, this [chapter] part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this [chapter] part and in Title 78, Chapter 34, Eminent Domain.

(5) Except as provided in Section ~~[27-12-136.9]~~ 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under ~~[Section 131 of Title 23, United States Code]~~ 23, U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.

(6) (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:

(i) on the same property;

(ii) on adjacent property;

(iii) on the same highway within 5280 feet of the previous location, which may be extended

5280 feet outside the areas described in Subsection [~~27-12-136.5~~] 72-7-505(3)(c)(i)(A), on either side of the same highway; or

(iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(b) The relocation under Subsection (a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this [act] part.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(d) The relocated and remodeled use or structure may be:

(i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this [act] part;

(iii) relocated to a comparable vehicular traffic count.

(7) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

Section 213. Section **72-7-511**, which is renumbered from Section 27-12-136.12 is renumbered and amended to read:

~~[27-12-136.12]~~. **72-7-511**. **Violation of part -- Misdemeanor.**

[Any] A person who violates any provision of this [act] part is guilty of a class B misdemeanor.

Section 214. Section **72-7-512**, which is renumbered from Section 27-12-136.13 is renumbered and amended to read:

~~[27-12-136.13]~~. **72-7-512**. **Appeals by attorney general.**

The attorney general may take such appeals as are provided for in [~~Section 131, Title 23, United States Code~~] 23, U.S.C., Sec. 131.

Section 215. Section **72-7-513**, which is renumbered from Section 27-12-136.14 is renumbered and amended to read:

~~[27-12-136.14].~~ **72-7-513. Relocation on state highways.**

(1) If any outdoor advertising use or structure may not be continued because of the widening, construction, or reconstruction along a state highway, the owner shall have the option to relocate and remodel the use or structure to another location:

- (a) on the same property;
- (b) on adjacent property;
- (c) within 2640 feet of the previous location on either side of the same highway; or
- (d) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this [act] part.

(3) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(4) The relocated and remodeled use or structure may be:

- (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
- (b) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this [act] part;
- (c) relocated to a comparable vehicular traffic count.

(5) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (1) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in

Subsection (1)(a), (b), or (c), it shall pay just compensation as provided in Subsection [27-12-136.11] 72-7-510(3).

Section 216. Section **72-7-514**, which is renumbered from Section 27-12-136.15 is renumbered and amended to read:

~~[27-12-136.15]~~. **72-7-514. Landscape control program.**

(1) As used in this section, "landscape control" means trimming or removal of seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.

(2) (a) The department shall establish a landscape control program as provided under this section.

(b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.

(3) (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.

(b) Within 60 days of the request under Subsection (3)(a), the department shall:

(i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:

(A) safety;

(B) protection of highway features, including right-of-way and landscaping;

(C) aesthetics; and

(D) motorists' view of the sign or business; and

(ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.

(c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection [(3)(c)], the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be

observed, and attaches any explanatory plans or other information.

(4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).

(5) (a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.

(b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Section 217. Section **72-7-515**, which is renumbered from Section 27-12-136.16 is renumbered and amended to read:

[27-12-136.16]. 72-7-515. Utah-Federal Agreement -- Severability clause.

(1) As used in this section, "Utah-Federal Agreement" means the agreement relating to outdoor advertising that is described under Section ~~[27-12-136.2]~~ 72-7-501, and it includes any modifications to the agreement that are signed on behalf of both the state and the United States Secretary of Transportation.

(2) The provisions of this act are subject to and shall be superseded by conflicting provisions of the Utah-Federal Agreement.

(3) If any provision of this [act] part or its application to any person or circumstance is found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the remainder of this act and the application of the provision to other persons or circumstances shall not be affected by it.

Section 218. Section **72-8-101**, which is renumbered from Section 27-14-1 is renumbered and amended to read:

CHAPTER 8. PEDESTRIAN SAFETY AND FACILITIES

[27-14-1]. 72-8-101. Title.

This [act shall be] chapter is known [and may be cited] as the "[~~Utah Sidewalk Construction~~] Pedestrian Safety and Facilities Act."

Section 219. Section **72-8-102**, which is renumbered from Section 27-14-3 is renumbered

and amended to read:

~~[27-14-3].~~ **72-8-102. Definitions.**

As used in this [act] chapter:

(1) "Construction" means the function of constructing or reconstructing a sidewalk with or without curb and gutter and ~~[shall include]~~ includes land acquisition~~;~~ and engineering or inspection ~~[and may be more fully]~~ as defined by the rules and regulations of the department [of Transportation].

~~[(3)]~~ (2) "Curb and gutter" means the area between the roadway and sidewalk designed for water runoff and providing a barrier for safety of pedestrian and vehicular traffic.

~~[(2)]~~ (3) "Participating [city] municipality" means any [city] municipality having at least third class status.

(4) "Pedestrian safety devices" means any device or method designed to foster the safety of pedestrian traffic including sidewalks, curbs, gutters, and pedestrian overpasses.

Section 220. Section **72-8-103**, which is renumbered from Section 27-14-4 is renumbered and amended to read:

~~[27-14-4].~~ **72-8-103. Designated county and municipal sidewalks -- Construction on easements granted by transportation department.**

(1) All sidewalks, including curbs and gutters within the unincorporated areas of a county and within nonparticipating ~~[cities or towns]~~ municipalities situated within the county, ~~[shall be]~~ are designated county sidewalks. All sidewalks within participating ~~[cities shall be]~~ municipalities are designated [city] municipal sidewalks.

(2) ~~[Notwithstanding any other provision of law counties]~~ Counties and participating [cities] municipalities may construct and maintain curbs, gutters, sidewalks, and pedestrian safety devices adjacent to the traveled portion of state highways upon easements that may be granted by the [state] department [of Transportation]. The [state] department [of Transportation] shall cooperate with counties and participating [cities] municipalities to accomplish pedestrian safety construction and maintenance.

(3) A county or municipality may construct and maintain pedestrian safety devices on state

highways in compliance with rules made by the department.

Section 221. Section **72-8-104**, which is renumbered from Section 27-14-5 is renumbered and amended to read:

[27-14-5]. 72-8-104. Funding priorities by county and municipality officials -- Factors.

(1) A county or municipality may use a portion of their B and C road funds for pedestrian safety devices under this part.

(2) The county legislative body of the counties and the governing officials of participating [cities] municipalities may establish funding priorities relating to construction of curbs, gutters, sidewalks, or other pedestrian safety construction, with funds permitted to be expended by this [act] part, based on factors including, but not limited to:

- (a) existing useable rights-of-way;
- (b) [auto-pedestrian] vehicle-pedestrian accident experience;
- (c) average daily [automobile] vehicle traffic;
- (d) average daily pedestrian traffic;
- (e) average daily school age pedestrian traffic; and
- (f) speed of [automobile] vehicle traffic.

(2) (3) All construction performed [pursuant to] under this [act] part shall be barrier free to wheelchairs at crosswalks and intersections.

Section 222. Section **72-8-105**, which is renumbered from Section 27-14-6 is renumbered and amended to read:

[27-14-6]. 72-8-105. Pedestrian safety to be considered in highway planning.

[Pedestrian] A highway authority shall consider pedestrian safety [considerations shall be included] in all [state] highway engineering and planning where pedestrian traffic [would] may be a significant factor on all projects within the state or any of its political subdivisions.

Section 223. Section **72-8-106**, which is renumbered from Section 27-14-7 is renumbered and amended to read:

[27-14-7]. 72-8-106. Rules and regulations -- Cooperation with the county legislative

body.

The [state] department [of transportation] shall [issue]:

(1) make rules [and regulations] providing for uniform accounting of the funds permitted to be expended for curbs, gutters, sidewalks, and pedestrian safety devices, as provided in this [act,] part; and

(2) cooperate with the county executives and county legislative bodies and the governing officials of participating [cities] municipalities in order to [put into effect the purpose of the laws pertaining to pedestrian safety construction] implement this part and make rules required by this part.

Section 224. Section **72-8-107**, which is renumbered from Section 27-14-8 is renumbered and amended to read:

~~[27-14-8].~~ **72-8-107. County or city granting exemption from construction -- Not eligible to utilize funds under part.**

(1) This [act shall] part may not be construed to substitute or replace the construction of curbs, gutters, sidewalks, or pedestrian safety devices by any counties or participating [cities but, rather, solely as a supplement thereto] municipalities. Funds expended under this part are in addition to funds normally used by counties and participating municipalities for pedestrian safety devices and may not be used in substitution for local funding.

(2) If any county or participating [city] municipalities or any of their agencies grant an exemption or deferral agreement for the construction of sidewalks, curbs, gutters, or pedestrian safety devices which are otherwise normally required, the area for which the exemption or deferral agreement applies [shall] is not be eligible to utilize funds permitted to be expended by this [act] part.

Section 225. Section **72-9-101**, which is renumbered from Section 27-17-101 is renumbered and amended to read:

CHAPTER 9. MOTOR CARRIER SAFETY

Part 1. General Provisions

~~[27-17-101].~~ **72-9-101. Title.**

This chapter is known as the "Motor Carrier Safety Act."

Section 226. Section **72-9-102**, which is renumbered from Section 27-17-102 is renumbered and amended to read:

[27-17-102]. 72-9-102. Definitions.

As used in this chapter:

(1) (a) "Commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to transport passengers or property on a highway if the commercial vehicle:

(i) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;

(ii) is designed to transport more than 15 passengers, including the driver; or

(iii) is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.

(b) The following vehicles are not considered a commercial vehicle for purposes of this chapter:

(i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

(ii) firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks; and

(iii) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes.

~~[(2) "Department" means the Department of Transportation.]~~

~~[(3) "Highway" has the same meaning as provided under Section 41-1a-102.]~~

~~[(4)]~~ (2) "Motor carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within this state and includes a tow truck business.

~~[(5) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.]~~

~~[(6) "Semitrailer" has the same meaning as provided under Section 41-1a-102.]~~

~~[(7)]~~ (3) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.

~~[(8) "Trailer" has the same meaning as provided under Section 41-1a-102.]~~

~~[(9)]~~ (4) "Transportation" means the actual movement of property or passengers by motor vehicle, including loading, unloading, and any ancillary service provided by the motor carrier in connection with movement by motor vehicle, which is performed by or on behalf of the motor carrier, its employees or agents, or under the authority of the motor carrier, its employees or agents, or under the apparent authority and with the knowledge of the motor carrier.

~~[(10) "Vehicle" has the same meaning as provided under Section 41-1a-102.]~~

Section 227. Section **72-9-103**, which is renumbered from Section 27-17-103 is renumbered and amended to read:

~~[27-17-103].~~ **72-9-103. Rulemaking -- Adjudicative proceedings.**

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules:

(a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;

(b) specifying the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight;

(c) specifying collection procedures, in conjunction with the administration and enforcement of the safety or security requirements, for the motor carrier fee under Section ~~[27-17-707]~~ 72-9-706; and

(d) providing for the necessary administration and enforcement of this chapter.

(2) The department shall comply with Title 63, Chapter 46b, Administrative Procedures Act, in its adjudicative proceedings.

Section 228. Section **72-9-104**, which is renumbered from Section 27-17-104 is renumbered and amended to read:

[27-17-104]. 72-9-104. Motor carriers to operate under chapter.

A motor carrier may not operate any commercial vehicle for the transportation of persons or property on any public highway in this state except in accordance with this chapter, and rules and orders of the department.

Section 229. Section **72-9-105**, which is renumbered from Section 27-17-405 is renumbered and amended to read:

[27-17-405]. 72-9-105. Information lettered on vehicle -- Exceptions.

(1) Except under Subsection [(3)] (4), a motor carrier shall have lettered on both sides of any vehicle used for transportation of persons or property:

- (a) the name of the motor carrier company; and
- (b) the location of domicile by city and state.

(2) The lettering shall be free from obstruction and legible [~~at least~~] from a distance of at least 50 feet.

(3) (a) In addition to the lettering required under Subsection (1), the department may require an identification number assigned by the department to be displayed in accordance with this section.

(b) The number may be used to assist the department in conjunction with the U.S. Department of Transportation to develop a program to improve motor carrier safety enforcement.

(4) A commercial vehicle primarily used by a farmer for the production of agricultural products is exempt from the provisions of this section.

Section 230. Section **72-9-106**, which is renumbered from Section 63-49-20 is renumbered and amended to read:

[63-49-20]. 72-9-106. Exemption for public utilities from regulations establishing hours of service.

(1) As used in this section, "emergency" means a condition which jeopardizes life or property or that endangers public health and safety.

(2) A person who is an employee of an electrical corporation, a gas corporation, or a

telephone corporation, as these corporations are defined in Section 54-2-1, is exempt from any hours of service rules and regulations for drivers while operating a public utility vehicle within the state during the emergency restoration of public utility service. [As used in this section, "emergency" means a condition which jeopardizes life or property, or that endangers public health and safety.]

Section 231. Section **72-9-201**, which is renumbered from Section 27-17-201 is renumbered and amended to read:

Part 2. Motor Carrier Advisory Board

[27-17-201]. 72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

- (1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the governor.
- (2) Each member of the board shall:
 - (a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;
 - (b) be selected at large on a nonpartisan basis; and
 - (c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.
- (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
 - (b) [Notwithstanding the requirements of Subsection (a), the] The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) A member shall serve from the date of appointment until a replacement is appointed.
- (4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term beginning the day following the expiration of the preceding term.
- (5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.
- (6) The board shall meet at least quarterly or as needed when called by the chair.

(7) Any three voting members constitute a quorum for the transaction of business that comes before the board.

(8) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(9) The board shall advise the department and the commission on interpretation, adoption, and implementation of this chapter and other motor carrier related issues.

(10) The department shall provide staff support to the board.

Section 232. Section **72-9-301**, which is renumbered from Section 27-17-301 is renumbered and amended to read:

Part 3. Department Duties

~~[27-17-301].~~ **72-9-301. Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights of entry for audits.**

(1) The department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state and federal laws related to the operation of a motor carrier within the state, including:

(a) the operation of ports-of-entry under Section ~~[27-17-501]~~ 72-9-501;

(b) vehicle size, weight, and load restrictions;

(c) security requirements;

(d) safety requirements; and

(e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations.

(2) The department shall conduct compliance audits and inspections as needed to enforce state and federal laws related to the operation of a motor carrier.

(3) (a) In accordance with Subsection (3)(b), the department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier subject to this chapter, to inspect and copy any accounts, books, records, and documents in order to

administer and enforce state and federal laws related to the operation of a motor carrier provided:

(i) the department's authorized employees or agents [shall] schedule an appointment with the motor carrier prior to entering, inspecting, or examining any facility or records of a motor carrier;

(ii) if the department's authorized employees or agents believe that a criminal violation is involved and that a scheduled appointment would compromise the detection of the alleged criminal violation, no appointment is necessary.

(b) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit its accounts, books, records, and documents for inspection and copying in accordance with this [subsection] section.

Section 233. Section **72-9-302**, which is renumbered from Section 27-17-302 is renumbered and amended to read:

[27-17-302]. 72-9-302. Interstate agreements.

(1) The department may enter into agreements with other states to allow the cooperative base state safety and insurance regulation of motor carriers transporting property or passengers in interstate commerce.

(2) An agreement may authorize another state to:

(a) accept the filing of a certificate and affidavit of insurance;

(b) issue a revocation, suspension, restriction, probation, and reinstatement order or notice;

and

(c) collect and disburse any fee to and from another state that participates in the base state program.

(3) An agreement may allow the exchange of information for audit, reporting, and enforcement purposes.

Section 234. Section **72-9-303**, which is renumbered from Section 27-17-303 is renumbered and amended to read:

[27-17-303]. 72-9-303. Cease and desist orders -- Registration sanctions.

(1) The department may issue cease and desist orders to any person:

(a) [~~to any person~~] who engages in or represents himself to be engaged in a motor carrier

operation that is in violation of this chapter;

(b) ~~[to any person]~~ to prevent the violation of any of the provisions of this title; and

(c) ~~[to any person]~~ who otherwise violates this chapter or any rules adopted under this chapter.

(2) (a) The department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a motor carrier is in violation of this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall refuse registration or shall suspend or revoke a registration as provided in Sections 41-1a-109 and 41-1a-110.

(b) The department shall notify the Motor Vehicle Division immediately upon being satisfied that a motor carrier, reported as being in violation under Subsection (2)(a), is in compliance with this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall remove any restriction made on a registration [~~made~~] under this chapter.

Section 235. Section **72-9-401**, which is renumbered from Section 27-17-401 is renumbered and amended to read:

Part 4. Motor Carrier Liability -- Duties

~~[27-17-401].~~ **72-9-401. Liability of motor carriers for loss or damage to freight.**

(1) (a) A motor carrier receiving property for transportation from one point in this state to another point in this state shall issue a receipt or bill of lading for the property, and shall be liable to the lawful holder of the property for any loss, damage, or injury to the property caused by the motor carrier, or by any motor carrier to which the property may be delivered or over whose line or lines the property may pass within this state when transported on a through bill of lading.

(b) A contract, receipt, rule, regulation, or other limitation of any character whatsoever may not exempt the motor carrier from this liability.

(2) A motor carrier that receives property for transportation or any motor carrier delivering the property to the consignee shall be liable to the lawful holder of the receipt or bill of lading, or to any party entitled to recover on the property whether the receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to the property caused by the motor carrier, or by any motor carrier to which the property may have been delivered or over whose line or lines the

property may have passed within this state when transported on a through bill of lading.

(3) (a) The provisions of Subsection (2) apply notwithstanding any limitation of liability or of the amount of recovery, or any representation or agreement as to the value of the property in any receipt or bill of lading or in any contract, rule, or regulation.

(b) Any limitation of liability is unlawful and void if the provisions respecting liability for full actual loss, damage, or injury notwithstanding any limitation of liability or of recovery, or any representation or agreement or release as to value to property, except livestock, received for transportation concerning which the motor carrier expressly authorizes or requires, by order of the commission, the establishment and maintenance of rates dependent upon the value declared in writing by the shipper or agreed to in writing as the released value of the property.

(c) The declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or agreed upon.

Section 236. Section **72-9-402**, which is renumbered from Section 27-17-402 is renumbered and amended to read:

~~[27-17-402].~~ **72-9-402. Limitation of time for presenting claims and bringing suit.**

(1) A motor carrier shall allow at least:

- (a) 90 days for giving notice of claims for any loss, damage, or injury to property;
- (b) four months for the filing of claims; and
- (c) two years for the institution of suits.

(2) If the loss or injury complained of is due to delay[;] or damage while being loaded or unloaded, or damage in transit caused by carelessness or negligence, [~~no~~] a notice of claim[; and no] or a filing of claim [shall be] is not required as a condition precedent to recovery.

Section 237. Section **72-9-403**, which is renumbered from Section 27-17-403 is renumbered and amended to read:

~~[27-17-403].~~ **72-9-403. Contribution between connecting motor carriers.**

(1) The motor carrier paying for the loss or damage to property transported or received is entitled to recovery from the motor carrier responsible for the loss or damage, or on the motor

carrier's line the loss, damage, or injury was sustained.

(2) The amount of the loss or damage is equal to the amount the motor carrier is required to pay to the persons entitled to the recovery.

Section 238. Section **72-9-404**, which is renumbered from Section 27-17-404 is renumbered and amended to read:

[27-17-404]. 72-9-404. Bills of lading -- Form.

Bills of lading issued by any motor carrier for the transportation of goods within this state shall conform to this chapter, rules made under this chapter, and Title 70A, Chapter 7, Part 3, Bills of Lading -- Special Provisions, that are not in conflict with this chapter.

Section 239. Section **72-9-501**, which is renumbered from Section 27-17-501 is renumbered and amended to read:

Part 5. Ports-of-Entry

[27-17-501]. 72-9-501. Construction, operation, and maintenance of ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.

(1) (a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:

- (i) driver qualifications;
- (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
- (iii) vehicle registration;
- (iv) fuel tax payment;
- (v) vehicle size, weight, and load;
- (vi) security [~~requirements~~] or insurance;
- (vii) [~~Title 27, Chapter 17, Motor Carrier Safety Act~~] this chapter;
- (viii) hazardous material as defined under 49 U.S.C. app. Sec. 1802;
- (ix) livestock transportation; and
- (x) safety [~~requirements~~].

(b) The ports-of-entry shall be located on state highways at sites determined by the department.

(2) (a) The ports-of-entry shall be operated and maintained by the department.

(b) A port-of-entry agent may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).

(3) (a) A port-of-entry agent, in whose presence an offense described in this section is committed, may:

(i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

(ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section 41-6-44.3;

(iii) place a driver out-of-service in accordance with Section 53-3-417; and

(iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.

(b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent ~~[lacking] who is not a peace officer [designation] or special function officer designated~~ under Title 77, Chapter 1a, Peace Officer Designation.

Section 240. Section **72-9-502**, which is renumbered from Section 27-17-502 is renumbered and amended to read:

~~[27-17-502].~~ **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs --**

Exceptions.

(1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in Section 4-24-2, shall stop at a port-of-entry ~~[if stopping at the port-of-entry does not increase the total one-way trip distance of the motor vehicle by more than three miles]~~ as required under this section.

(2) The department may erect and maintain signs directing motor vehicles to a port-of-entry as provided in ~~[Subsection (1)]~~ this section.

(3) A motor ~~[vehicle whose]~~ carrier is exempt from this section if the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry ~~[is exempt from this section]~~.

Section 241. Section **72-9-503**, which is renumbered from Section 27-17-503 is renumbered and amended to read:

~~[27-17-503].~~ **72-9-503. Authority to enter agreement with other states for joint port-of-entry operation.**

(1) The executive director of the department may negotiate and enter into bilateral agreements with a representative designated by a contiguous state for the construction, operation, maintenance, and staffing of a jointly occupied port-of-entry.

(2) The agreement may provide for the collection of highway user fees, registration fees, permit fees, fuel taxes, and any other fees and taxes by either state jointly occupying a port-of-entry.

(3) The agreement may provide for the enforcement of state and federal laws as provided in ~~[Section 27-17-501]~~ this chapter.

Section 242. Section **72-9-601**, which is renumbered from Section 27-17-601 is renumbered and amended to read:

Part 6. Tow Truck Provisions

~~[27-17-601].~~ **72-9-601. Tow truck motor carrier requirements.**

In addition to the requirements of this chapter, a tow truck motor carrier shall:

(1) ensure that all ~~[his]~~ the motor carrier's tow truck drivers are properly:

(a) trained to operate tow truck equipment; and

(b) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and

(2) obtain and display a current certificate of inspection for each tow truck, as required under Section ~~[27-17-602]~~ 72-9-602.

Section 243. Section **72-9-602**, which is renumbered from Section 27-17-602 is renumbered and amended to read:

~~[27-17-602].~~ **72-9-602. Tow truck inspections -- Equipment requirements -- Consumer information.**

(1) (a) The department [~~of Transportation~~] shall conduct inspections of tow trucks to ensure compliance with this chapter.

(b) Each inspection of a tow truck shall be conducted prior to the tow truck beginning operation and at least every two years thereafter.

(c) (i) The department [~~of Transportation~~] shall issue a certificate of inspection for each tow truck that complies with this [article] part.

(ii) The inspection certificate shall expire two years from the month of issuance.

(d) The department [~~of Transportation~~] may charge a fee established under Section 63-38-3.2 to cover the cost of the inspection required under this section.

(2) The department shall make consumer protection information available to the public that may use a tow truck motor carrier.

Section 244. Section **72-9-603**, which is renumbered from Section 27-17-603 is renumbered and amended to read:

~~[27-17-603].~~ **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Maximum rates.**

(1) Unless a vehicle is impounded under Section 41-6-44.30, after performing a tow truck service without the vehicle owner's knowledge, the person operating the tow truck shall:

(a) within one hour of arriving at the place of storage or impound of the vehicle, contact the law enforcement agency having jurisdiction over the area where the vehicle was picked up and notify the agency of the:

(i) location of the vehicle;

(ii) date, time, and location from which the vehicle was removed;

(iii) reasons for the removal of the vehicle;

(iv) person who requested the removal of the vehicle; and

(v) vehicle's description, including its identification number and license number; and

(b) within five days of performing the tow truck service, send a certified letter to the last known address of the registered owner of the vehicle obtained from the Motor Vehicle Division or if the person has actual knowledge of the owner's address to the current address, notifying him of

the:

- (i) location of the vehicle;
- (ii) date, time, location from which the vehicle was removed;
- (iii) reasons for the removal of the vehicle;
- (iv) person who requested the removal of the vehicle;
- (v) vehicle's description, including its identification number and license number; and
- (vi) costs and procedures to retrieve the vehicle.

(2) The registered owner of a vehicle lawfully removed is responsible for paying the towing, impound, and storage fees.

(3) Towing, impound, and storage fees are a possessory lien on the vehicle until paid.

(4) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (1)(b).

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Department of Transportation may set maximum rates that:

(a) tow truck motor carriers may charge for the towing of vehicles that are transported in response to:

- (i) a peace officer dispatch call;
- (ii) a motor vehicle division call; and
- (iii) any other call where the owner of the vehicle has not consented to removal of his

vehicle; and

(b) impound yards may charge for the storage of vehicles stored as a result of one of the conditions listed under Subsection (5)(a).

Section 245. Section **72-9-604**, which is renumbered from Section 27-17-604 is renumbered and amended to read:

[27-17-604]. 72-9-604. Regulatory powers of local authorities -- Tow trucks.

(1) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a tow truck or tow truck motor carrier that conflicts with this part.

(2) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.

(3) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections [~~27-17-602 and~~] 53-8-205 and 72-9-602 if:

- (a) no fee is charged for the inspection; and
- (b) the inspection complies with federal motor carrier safety regulations.

(4) A tow truck shall be subject to only one annual safety inspection under Subsection (3). A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.

Section 246. Section **72-9-605**, which is renumbered from Section 27-17-605 is renumbered and amended to read:

~~[27-17-605].~~ **72-9-605. Exception from part.**

This part does not apply to a person who is towing a vehicle owned by that person in a noncommercial operation.

Section 247. Section **72-9-701**, which is renumbered from Section 27-17-701 is renumbered and amended to read:

Part 7. Penalties, Fines, and Fees

~~[27-17-701].~~ **72-9-701. Penalty for unlawful conduct.**

(1) Unless otherwise specified, any person who violates the provisions of this chapter or who aids or abets another person in a violation of this chapter is guilty of a class B misdemeanor. A second or subsequent conviction for a violation of this chapter or of aiding or abetting another person in a violation of this chapter is a class A misdemeanor.

(2) Unless otherwise specified, any person who fails to obey any lawful order or rule made under this chapter is guilty of a class B misdemeanor. A second or subsequent conviction for failing to obey any lawful order or rule made under this chapter is a class A misdemeanor.

Section 248. Section **72-9-702**, which is renumbered from Section 27-17-702 is renumbered

and amended to read:

~~[27-17-702].~~ **72-9-702. Existing rights of action unaffected -- Penalties cumulative.**

(1) This chapter may not be construed to have the effect of releasing or waiving any right of action by the state, the department or any person for any right, penalty, or forfeiture which may have arisen or occurred under any law of this state before ~~[the effective date of this act]~~ May 10, 1983, or which arises or occurs after ~~[the effective date of this chapter]~~ May 10, 1983.

(2) All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty is not a bar to and shall not affect the recovery of any other penalty or forfeiture, and is not a bar to any criminal prosecution against any motor carrier, or any officer, director, agent, or employee of a motor carrier, or any other corporation or person, or a bar to the exercise by the department, through the court, of its power to punish for contempt.

Section 249. Section **72-9-703**, which is renumbered from Section 27-17-704 is renumbered and amended to read:

~~[27-17-704].~~ **72-9-703. Civil penalties for violations -- Compromise.**

(1) In addition to any other penalties, a motor carrier that fails or neglects to comply with any provision of the Constitution of this state, statute, or any rule or order of the department is subject to a civil penalty of not less than \$500 nor more than \$2,000 for each offense.

(2) Every violation of any provision of the constitution of this state, statute, or any rule or order of the department, is a separate and distinct offense. Each day's continuance of the violation is a separate and distinct offense.

(3) (a) The civil penalty may be compromised by the department and a determination of compromise is appealable by the person alleged to have committed the violation. In determining the amount of the penalty or the amount agreed upon in compromise, the department shall consider the:

- (i) gravity of the violation; and
- (ii) good faith of the person charged in attempting to achieve compliance after notification of the violation.

(b) The amount of the penalty when finally determined or the amount agreed upon in compromise may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the courts of this state.

(4) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any motor carrier, acting within the scope of his official duties or employment, is deemed to be the act, omission, or failure of the motor carrier.

Section 250. Section **72-9-704**, which is renumbered from Section 27-17-705 is renumbered and amended to read:

[27-17-705]. 72-9-704. Assignment of administrative law judge.

- (1) The department shall assign an administrative law judge to hear contested matters.
- (2) The administrative law judge's orders shall be reviewed by the department.

Section 251. Section **72-9-705**, which is renumbered from Section 27-17-706 is renumbered and amended to read:

[27-17-706]. 72-9-705. Disposition of fees and civil fines.

All fees and civil fines received and collected under this chapter shall be transmitted daily to the state treasurer and deposited in the Transportation Fund.

Section 252. Section **72-9-706**, which is renumbered from Section 27-17-707 is renumbered and amended to read:

[27-17-707]. 72-9-706. Motor carrier fee for certain vehicles -- Collection.

(1) A motor carrier, not subject to the fee under Section 41-1a-1219, who operates a commercial vehicle on a highway within this state shall pay an annual motor carrier fee at the same rate provided under Section 41-1a-1219 for each motor vehicle or combination of motor vehicles operated in this state.

- (2) The department shall collect the fee required under this section.

Section 253. Section **72-10-101**, which is renumbered from Section 2-1-24 is renumbered and amended to read:

CHAPTER 10. AERONAUTICS

Part 1. Uniform Aeronautical Regulatory Act

[2-1-24]. 72-10-101. Title.

This [act may be cited] chapter is known as the [Uniform Aeronautical Regulatory] "Aeronautics Act."

Section 254. Section **72-10-102**, which is renumbered from Section 2-1-1 is renumbered and amended to read:

[2-1-1]. 72-10-102. Definitions.

As used in this [title] chapter:

(1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air navigation.

(2) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair, or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or other air navigation facilities.

(3) "Aeronautics instructor" means any individual engaged in giving or offering to give instruction in aeronautics, flying, or ground subjects, either with or without:

- (a) compensation or other reward;
- (b) advertising the occupation;
- (c) calling his facilities an air school, or any equivalent term; or
- (d) employing or using other instructors.

(4) "Aircraft" means any contrivance now known or in the future invented, used, or designed for navigation of or flight in the air.

(5) "Air instruction" means the imparting of aeronautical information by any aviation instructor or in any air school or flying club.

(6) "Airport" means any area of land, water, or both, that:

- (a) is used or is made available for landing and takeoff;
- (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of passengers and cargo; and

(c) meets the minimum requirements established by the division as to size and design,

surface, marking, equipment, and operation.

(7) "Airport authority" has the same meaning as "authority" in Section 17A-2-1502, the Utah Public Airport Authority Act definitions.

(8) "Air school" means any person engaged in giving, offering to give, or advertising, representing, or holding himself out as giving, with or without compensation or other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

(9) "Airworthiness" means conformity with requirements prescribed by the Federal Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or accessories.

(10) "Antique aircraft" means a civil aircraft that is:

- (a) 30 years old or older, calculated as to include the current year;
- (b) primarily a collector's item and used solely for recreational or display purposes;
- (c) not used for daily or regular transportation; and
- (d) not used for commercial operations.

(11) "Civil aircraft" means any aircraft other than a public aircraft.

(12) "Commercial aircraft" means aircraft used for commercial purposes.

(13) "Commercial airport" means a landing area, landing strip, or airport that may be used for commercial operations.

(14) "Commercial flight operator" means a person who conducts commercial operations.

(15) "Commercial operations" means:

(a) any operations of an aircraft for compensation or hire or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation is received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, and the operation of aircraft for hunting and fishing; or

(b) the brokering or selling of any of these services; but

(c) does not include any operations of aircraft as common carriers certificated by the federal government or the services incidental to those operations.

(16) "Committee" means the Aeronautical Committee created in Section ~~[2-1-12]~~ 72-10-103.

(17) "Dealer" means any person who is actively engaged in the business of flying for demonstration purposes, or selling or exchanging aircraft, and who has an established place of business.

~~[(18)]~~ "Department" means the Department of Transportation.]

~~[(19)]~~ (18) "Division" means the Operations Division in the Department of Transportation, created in Section ~~[63-49-7]~~ 72-1-204.

~~[(20)]~~ (19) "Experimental aircraft" means:

(a) any aircraft designated by the Federal Aviation Administration or the military as experimental and used solely for the purpose of experiments, or tests regarding the structure or functioning of aircraft, engines, or their accessories; and

(b) any aircraft designated by the Federal Aviation Administration as:

(i) being custom or amateur built; and

(ii) used for recreational, educational, or display purposes.

~~[(21)]~~ (20) "Flight" means any kind of locomotion by aircraft while in the air.

~~[(22)]~~ (21) "Flying club" means five or more persons who for neither profit nor reward own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

~~[(23)]~~ (22) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power plant.

~~[(24)]~~ (23) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls aircraft, engines, or accessories.

~~[(25)]~~ (24) "Parachute jumper" means any person who has passed the required test for jumping with a parachute from an aircraft, and has passed an examination showing that he possesses the required physical and mental qualifications for the jumping.

~~[(26)]~~ (25) "Parachute rigger" means any person who has passed the required test for packing, repairing, and maintaining parachutes.

~~[(27)]~~ (26) "Passenger aircraft" means aircraft used for transporting persons, in addition to the pilot or crew, with or without their necessary personal belongings.

~~[(28)]~~ (27) "Person" means any individual, corporation, limited liability company, or

association of individuals.

[(29)] (28) "Pilot" means any person who operates the controls of an aircraft while in-flight.

[(30)] (29) "Primary glider" means any glider that has a gliding angle of less than ten to one.

[(31)] (30) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision, including the government of the United States, of the District of Columbia, and of any state, territory, or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.

[(32)] (31) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in a manner as to endanger the property, life, or body of any person, due regard being given to the prevailing weather conditions, field conditions, and to the territory being flown over.

[(33)] (32) "Registration number" means the number assigned by the Federal Aviation Administration to any aircraft, whether or not the number includes a letter or letters.

[(34)] (33) "Secondary glider" means any glider that has a gliding angle between ten to one and 16 to one, inclusive.

[(35)] (34) "Soaring glider" means any glider that has a gliding angle of more than 16 to one.

Section 255. Section **72-10-103**, which is renumbered from Section 2-1-12 is renumbered and amended to read:

[2-1-12]. 72-10-103. Aeronautical Committee created -- Advisory capacity -- Powers and duties.

(1) (a) There is created an Aeronautical Committee within the division to act in an advisory capacity in determining the aeronautics policy within the state.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the committee shall make rules:

- (i) governing the establishment, location, and use of air navigation facilities; [and]
- (ii) regulating the use, licensing, and supervision of airports;
- (iii) establishing minimum standards with which all air navigation facilities, flying clubs, aircraft, gliders, pilots, and airports must comply; and

(iv) safeguarding from accident and protecting the safety of persons operating or using aircraft and persons and property on the ground.

(2) The rules may:

(a) require that any device or accessory that forms part of any aircraft or its equipment be certified as complying with this chapter;

(b) limit the use of any device or accessory as necessary for safety; and

(c) develop and promote aeronautics within this state.

(3) (a) To avoid the danger of accident incident to confusion arising from conflicting rules governing aeronautics, the committee's rules shall conform as nearly as possible with federal legislation, rules, regulations, and orders on aeronautics.

(b) The committee's rules may not be inconsistent with paramount federal legislation, rules, regulations, and orders on the subject.

(4) The committee may not require any pilot, aircraft, or mechanic who has procured a license under the Civil Aeronautics Authority of the United States to obtain a license from this state, other than required by this chapter.

(5) The committee may not make rules that conflict with the regulations of:

(a) the Civil Aeronautics Authority; or

(b) other federal agencies authorized to regulate the particular activity.

(6) All schedules of charges, tolls, and fees established by the division shall be approved and adopted by the committee.

(7) The committee shall comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act, in its adjudicative proceedings.

Section 256. Section **72-10-104**, which is renumbered from Section 2-1-2 is renumbered and amended to read:

[2-1-2]. 72-10-104. Aeronautical Committee -- Members, appointment, terms -- Chair -- Quorum -- Per diem allowance and expenses.

(1) (a) The Aeronautical Committee shall be comprised of five members who shall be appointed by the governor.

(b) Each member of the committee shall be knowledgeable and interested in aviation.

(c) Not more than three of the members shall be of the same political party. Except as required by Subsection (d), all appointments shall be for four-year terms of office.

(d) Notwithstanding the requirements of Subsection (c), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

(2) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) The chair of the committee shall be appointed from the membership of the committee. Three members of the committee shall constitute a quorum for the exercising of the powers and authority conferred upon it.

(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

Section 257. Section **72-10-105**, which is renumbered from Section 2-1-13 is renumbered and amended to read:

[2-1-13]. 72-10-105. Investigations and hearings -- Powers.

(1) The Aeronautical Committee may conduct investigations, inquiries, and hearings concerning matters covered by this chapter and accidents or injuries incident to the operation of aircraft occurring within this state.

- (2) The committee may:
- (a) administer oaths and affirmations;
 - (b) certify to all official acts;
 - (c) issue subpoenas;
 - (d) compel the attendance and testimony of witnesses; and
 - (e) compel the production of papers, books, and documents.

(3) (a) If any person fails to comply with any subpoena or order issued by the committee, the committee may petition any district court in this state to order compliance.

(b) The district court may order the person to comply with the requirements of the subpoena or order of the committee, or to give evidence upon the matter in question.

(c) Any failure to obey the order of the court may be punished by the court as contempt.

Section 258. Section **72-10-106**, which is renumbered from Section 2-1-14 is renumbered and amended to read:

[2-1-14]. 72-10-106. Reports of investigations or hearings -- Restrictions on use -- Members of committee or employees of division not required to testify.

(1) The reports of investigations or hearings, or any part of them, may not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigations or hearings, or in any report of them, except in case of criminal or other proceedings instituted by or on behalf of the division under this title.

(2) A member of the committee or any employee of the division may not be required to testify to any fact ascertained in or information gained by reason of his official capacity.

(3) The members or employees of the division may not be required to testify as expert witnesses in any suit, action, or proceeding involving any aircraft or any navigation facility.

Section 259. Section **72-10-107**, which is renumbered from Section 2-1-15 is renumbered and amended to read:

[2-1-15]. 72-10-107. Enforcement of chapter -- Fees for services by division.

(1) (a) The division and every county and municipal officer required to enforce state laws shall enforce and assist in the enforcement of this chapter.

(b) The division may enforce this chapter by injunction in the district courts of this state.

(c) Other departments and political subdivisions of this state may cooperate with the committee and the division in the development of aeronautics within this state.

(2) (a) Unless otherwise provided by statute, the division may adopt a schedule of fees assessed for services provided by the division.

(b) Each fee shall be reasonable and fair, and shall reflect the cost of the service provided.

(c) Each fee established in this manner shall be submitted to and approved by the Legislature as part of the division's annual appropriations request.

(d) The division may not charge or collect any fee proposed in this manner without approval by the Legislature.

Section 260. Section **72-10-108**, which is renumbered from Section 2-1-15.5 is renumbered and amended to read:

[2-1-15.5]. 72-10-108. Procedures -- Adjudicative proceedings.

The division shall conduct adjudicative proceedings in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

Section 261. Section **72-10-109**, which is renumbered from Section 2-1-6 is renumbered and amended to read:

[2-1-6]. 72-10-109. Payment of expenses of administration.

The division shall pay the expenses of the administration of this [act] part out of the special funds set up by the state treasurer for that purpose.

Section 262. Section **72-10-110**, which is renumbered from Section 2-1-7 is renumbered and amended to read:

[2-1-7]. 72-10-110. Certificate of registration of aircraft required -- Exceptions.

(1) (a) [~~It is unlawful for any~~] A person [~~to~~] may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft located in this state unless the aircraft has a [~~currently effective~~] current certificate of registration issued by this state through the county in which the aircraft is located.

(b) This restriction does not apply to aircraft licensed by a foreign country with which the

United States has a reciprocal agreement covering the operations of [such] the registered aircraft or to a non-passenger-carrying flight solely for inspection or test purposes authorized by the Federal Aviation Administration to be made without the certificate of registration.

(2) Aircraft assessed by the State Tax Commission are exempt from the state registration requirement under Subsection (1).

Section 263. Section **72-10-111**, which is renumbered from Section 2-1-7.5 is renumbered and amended to read:

[2-1-7.5]. 72-10-111. Aircraft registration information requirements -- Registration fee.

(1) All applications for aircraft registration, including under Section [2-1-7.6] 72-10-112, shall contain:

(a) a description of the aircraft, including:

(i) the manufacturer or builder;

(ii) the aircraft registration number, type, year of manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for air worthiness by an inspector of the Federal Aviation Administration; and

(iii) gross weight;

(b) the name and address of the owner of the aircraft; and

(c) where the aircraft is located, or the address where the aircraft is usually used or based.

(2) (a) The application for registration in the state of Utah shall be accompanied by [a] an annual registration fee determined by the State Tax Commission. However, if the application is to register an antique aircraft or experimental aircraft, the fee is set under Section [2-1-7.6] 72-10-112.

(b) The fee shall be collected by the county and remitted to the tax commission to be used to defray the costs of implementing this section.

Section 264. Section **72-10-112**, which is renumbered from Section 2-1-7.6 is renumbered and amended to read:

[2-1-7.6]. 72-10-112. Registration of antique or experimental aircraft.

(1) In lieu of the annual registration fees under Section [2-1-7.5] 72-10-111, the registration

fee for antique aircraft and experimental aircraft is a single fee of \$50.

(2) Registration under this section shall comply with the registration requirements of Section ~~[2-1-7.5]~~ 72-10-111, but need not be renewed while an aircraft is operated as an antique aircraft or experimental aircraft under this chapter.

(3) An aircraft to be registered as an antique aircraft or experimental aircraft shall meet applicable airworthiness standards established by state and federal aviation regulatory agencies.

Section 265. Section **72-10-113**, which is renumbered from Section 2-1-7.7 is renumbered and amended to read:

~~[2-1-7.7].~~ **72-10-113. Failure to register -- Penalty.**

Failure to register any aircraft required to be registered with the state in the county in which the aircraft is located subjects the owners of the aircraft to the same penalties provided for motor vehicles under Sections 41-1a-1101, 41-1a-1301, and 41-1a-1307.

Section 266. Section **72-10-114**, which is renumbered from Section 2-1-8 is renumbered and amended to read:

~~[2-1-8].~~ **72-10-114. Pilot's certificate of competency required -- Exceptions.**

(1) ~~[It is unlawful for any]~~ A person ~~[to]~~ may not pilot within this state any civil aircraft unless that person is the holder of a currently effective pilot's certificate of competency issued by the government of the United States.

(2) This restriction does not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of ~~[such]~~ the licensed aircraft.

Section 267. Section **72-10-115**, which is renumbered from Section 2-1-9 is renumbered and amended to read:

~~[2-1-9].~~ **72-10-115. Mechanic's certificate of competency.**

(1) Mechanics will be rated as airframe or powerplant mechanics.

(2) A person may hold a plurality of certificate of competency, ~~[such as]~~ including both classes of mechanic's certificate of competency or a pilot's and mechanic's certificate of competency.

(3) The certificate shall be a currently effective certificate of competency issued by the

government of the United States.

(4) This restriction does not apply to mechanics employed by the United States government.

Section 268. Section **72-10-116**, which is renumbered from Section 2-1-11 is renumbered and amended to read:

[2-1-11]. 72-10-116. Certificate carried subject to inspection -- Burden of proving validity of certificate in criminal proceedings.

(1) The certificate of license or permit required of a pilot or a student shall be kept in the personal possession of a licensee or permittee operating an aircraft within the state.

(2) The certificate of license required for an aircraft shall be carried in the aircraft at all times and shall be conspicuously posted in clear view of passengers.

(3) The certificate of pilot's license, student's permit, or aircraft license shall be presented for inspection upon the demand of any peace officer of this state, any authorized official or employee of the division, or any official, manager, or person in charge of any airport in this state upon which it shall land, or upon the reasonable request of any other person.

(4) In any criminal prosecution under this title, a defendant who relies upon a license or permit of any kind has the burden of proving that the defendant is properly licensed or is the possessor of a proper license or permit.

(5) The fact of nonissuance of a license or permit may be evidenced by a certificate signed by the official having power of issuance, or his deputy, under seal of office, stating that a diligent search in the office records has been made and that from the records it appears that no license or permit was issued.

Section 269. Section **72-10-117**, which is renumbered from Section 2-1-16 is renumbered and amended to read:

[2-1-16]. 72-10-117. Airport license required -- Issuance by division -- Restrictions on use of lands or waters of another -- Annual fee.

(1) (a) An airport open to public use may not be used or operated unless it is duly licensed by the division.

(b) Any person who owns or operates an airport open to public use shall file an application

with the division for a license for the facility.

(2) (a) A license shall be granted whenever it is reasonably necessary for the accommodation and convenience of the public and may be granted in other cases in the discretion of the division.

(b) The division may not issue a license if the division finds that the facility is not constructed, equipped, and operated in accordance with the standards set by the committee.

(3) (a) The landing or taking off of aircraft on or from the lands or waters of another without consent is unlawful, except in the case of a forced landing.

(b) For damages caused by a takeoff or landing, the owner, lessee of the aircraft, operator, or any of them is liable.

(4) (a) A student pilot may not land on any area without the knowledge of the operator, instructor, or school from which the student is flying.

(b) The use of private landing fields must not impose a hazard upon the person or property of others.

(5) A certificate of registration is not required of, and the rules made under this title do not apply to an airport owned or operated by the government of the United States.

(6) The division, with the approval of the committee, may charge a fee determined by the division pursuant to Section 63-38-3.2 for the issuance of an annual airport license.

Section 270. Section **72-10-118**, which is renumbered from Section 2-1-16.5 is renumbered and amended to read:

[~~2-1-16.5~~]. 72-10-118. Aircraft landing permits -- Eligible aircraft -- Special licenses -- Rules -- Proof of insurance -- Bonds.

(1) (a) The county executive of any county may issue permits authorizing aircraft to land on or take off from designated county roads.

(b) Permits may be issued to aircraft operated:

(i) as air ambulances;

(ii) as pesticide applicators; or

(iii) by or under contract with public utilities and used in connection with inspection, maintenance, installation, operation, construction, or repair of property owned or operated by the

public utility.

(2) Permits may also be issued by the county executive to other aircraft under rules made by the division.

(3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division shall make rules for issuing a special license to:

(i) an aircraft permitted by a county executive to land on a county road; and

(ii) a pilot permitted to operate an aircraft licensed under this subsection from a county road.

(b) The rules made under this subsection shall include provisions for the safety of the flying and motoring public.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the committee shall make rules for the landing and taking off of aircraft to which permits have been issued, which may include annual reports of activities of the aircraft.

(5) Prior to obtaining a permit or license to any aircraft, the applicant shall file with the county executive and the division a certificate of insurance executed by an insurance company or association authorized to transact business in this state upon a form prescribed by the division that there is in full force and effect a policy of insurance covering the aircraft for liability against:

(a) personal injury or death for any one person in an amount of \$50,000 or more;

(b) any one accident in an amount of \$100,000 or more; and

(c) property damage in an amount of \$50,000 or more.

(6) In addition to the insurance required under this section, either the county executive or the division may require the posting of a bond to indemnify the county or division against liability resulting from issuing the permit or license.

Section 271. Section **72-10-119**, which is renumbered from Section 2-1-17 is renumbered and amended to read:

[2-1-17]. 72-10-119. Reason for division order to be stated -- Closing airports -- Notice -- Right of inspection.

(1) If the division rejects an application for permission to operate or establish an airport, or issues any order under this chapter that requires or prohibits certain actions, its order shall:

- (a) contain the reasons for the rejection or order; and
 - (b) state the requirements to be met before approval will be given or the order changed.
- (2) The division may order the closing of any airport until its requirements have been fulfilled.
- (3) (a) An airport not meeting the standards required by the division shall:
- (i) be given notice of its noncompliance; and
 - (ii) have ten days from the receipt of that notice to respond to the division with a plan and schedule for compliance.
- (b) If the airport fails to respond within the required time, the division may revoke the airport license and close the airport.
- (4) The division and any state, county, or municipal officer charged with the duty of enforcing this chapter may inspect and examine at reasonable hours any premises, buildings, or other structures where regulated airports are operated.

Section 272. Section **72-10-120**, which is renumbered from Section 2-1-18 is renumbered and amended to read:

[2-1-18]. 72-10-120. Judicial review.

- (1) Any person against whom an order has been entered may obtain judicial review.
- (2) Venue for judicial review of informal adjudicative proceedings is in the district court of the county in which the order was made or the county in which property affected by the order is located.

Section 273. Section **72-10-121**, which is renumbered from Section 2-1-21 is renumbered and amended to read:

[2-1-21]. 72-10-121. Violations -- Penalty.

[Any] A person [failing] who fails to comply with the requirements or violating any of the provisions of this [act] part, or the rules or orders adopted by the board is guilty of a class B misdemeanor.

Section 274. Section **72-10-122**, which is renumbered from Section 2-1-22 is renumbered and amended to read:

[2-1-22]. 72-10-122. Severability clause.

If any provision of this [act] part or [the] its application [thereof] to any person or circumstances is held invalid, [such] this invalidity [shall] may not affect other provisions or applications of the [act] part which can be given effect without the invalid provision or application and to this end the provisions of this [act] part are declared to be severable.

Section 275. Section **72-10-123**, which is renumbered from Section 2-1-23 is renumbered and amended to read:

[2-1-23]. 72-10-123. Construction of chapter.

This [act] chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 276. Section **72-10-124**, which is renumbered from Section 2-1-25 is renumbered and amended to read:

[2-1-25]. 72-10-124. Sovereignty in space above land and water in state.

Sovereignty in the space above the lands and waters of this state is declared to rest in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this state.

Section 277. Section **72-10-125**, which is renumbered from Section 2-1-26 is renumbered and amended to read:

[2-1-26]. 72-10-125. Report of death or serious injury to person or property.

If in the operation of civil aircraft death or serious injury to person or to property results, a report shall be made in accordance with federal aviation regulations.

Section 278. Section **72-10-126**, which is renumbered from Section 2-1-27 is renumbered and amended to read:

[2-1-27]. 72-10-126. Report of injury to aircraft or property.

All accidents in the operation of civil aircraft which cause injury to aircraft or property shall be reported in accordance with federal aviation regulations.

Section 279. Section **72-10-127**, which is renumbered from Section 2-1-28 is renumbered and amended to read:

[2-1-28]. 72-10-127. Marking buildings to aid navigation.

(1) The division may cooperate with the officials of all state institutions for the purpose of marking one building within their group as an aid to aerial navigation.

(2) The marking is subject to the approval of the division and shall comply with the requirements of the United States civil aeronautics authority for air marking.

Section 280. Section **72-10-128**, which is renumbered from Section 2-1-30 is renumbered and amended to read:

[2-1-30]. 72-10-128. Tampering with aircraft forbidden.

It shall be unlawful for any person, without express or implied authority of the owner, to operate, climb upon, enter, manipulate the controls or accessories of, set in motion, remove parts or contents of, or otherwise tamper with any civil aircraft within this state, or knowingly cause or permit the same to be done.

Section 281. Section **72-10-129**, which is renumbered from Section 2-1-31 is renumbered and amended to read:

[2-1-31]. 72-10-129. Tampering with airport or equipment forbidden.

[No] A person [shall] may not interfere or tamper with any airport, landing field, or airway, or the equipment thereof.

Section 282. Section **72-10-130**, which is renumbered from Section 2-1-39 is renumbered and amended to read:

[2-1-39]. 72-10-130. Expenditures for Civil Air Patrol.

(1) The division may expend state aeronautics funds for the Utah wing of the Civil Air Patrol to be used to:

- (a) purchase aviation facilities, training, supplies, and equipment;
- (b) defray maintenance and rental costs of hangar facilities and aircraft;
- (c) purchase maintenance supplies and equipment for the communications network of the Civil Air Patrol; and
- (d) provide administrative costs approved by the division.

(2) The expenditures may not exceed in any fiscal year the amount appropriated to the Utah

wing of the Civil Air Patrol by the Legislature.

Section 283. Section **72-10-131**, which is renumbered from Section 2-1-40 is renumbered and amended to read:

[2-1-40]. 72-10-131. Approval of expenditures for Civil Air Patrol.

[No] An expenditure of state funds for the civil air patrol [shall] may not be made unless a purchase order is first approved by the director of aeronautics under guidelines established by the Aeronautical Committee and unless the funds are specifically used as required in this [act] chapter.

Section 284. Section **72-10-132**, which is renumbered from Section 2-1-41 is renumbered and amended to read:

[2-1-41]. 72-10-132. Tax-exempt status of Civil Air Patrol equipment.

Equipment, aircraft and vehicles owned by the civil air patrol and used for the emergency service needs of the state of Utah are given tax-exempt status.

Section 285. Section **72-10-201**, which is renumbered from Section 2-2-1 is renumbered and amended to read:

Part 2. Uniform Airports Act

[2-2-1]. 72-10-201. Powers of division -- Acceptance of property.

The division, a county, or municipal legislative body may accept contributions of money or real or personal property for the purpose of establishing, developing, operating, or maintaining airports under [the Uniform Airports Act] this part.

Section 286. Section **72-10-202**, which is renumbered from Section 2-2-2 is renumbered and amended to read:

[2-2-2]. 72-10-202. Cooperation with counties, municipalities, and federal government -- Expenditures by division.

- (1) The division may:
- (a) cooperate with counties and municipalities in developing and constructing airports;
 - (b) make agreements on behalf of the state with any county or municipality regarding the financial participation, construction, and operation of any airports;
 - (c) cooperate with the federal government in establishing airports; and

(d) accept from the United States of America, money to be matched with the funds of the state and funds appropriated by any county or municipality in developing and constructing airports under the Uniform Airports Act.

(2) The division may expend not to exceed 10% of its annual appropriation upon any one project under this chapter.

Section 287. Section **72-10-203**, which is renumbered from Section 2-2-3 is renumbered and amended to read:

[2-2-3]. 72-10-203. Division and counties, municipalities, and airport authorities authorized to acquire and regulate airports.

(1) The division and municipalities, counties, and airport authorities may acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports for the use of aircraft and may use for these purposes any available property that is owned or controlled by the division or by a municipality, county, or airport authority.

(2) A county may not exercise the authority conferred in this section outside of its geographical limits except jointly with an adjoining county.

Section 288. Section **72-10-204**, which is renumbered from Section 2-2-4 is renumbered and amended to read:

[2-2-4]. 72-10-204. Lands acquired by division and counties, municipalities, and airport authorities -- Declaration of public purpose.

Any land acquired, owned, leased, controlled, or occupied by the division or by a county, municipality, or airport authority for the purposes enumerated in Section [2-2-3] 72-10-203, is acquired, owned, leased, controlled, or occupied for public, governmental, and municipal purposes.

Section 289. Section **72-10-205**, which is renumbered from Section 2-2-5 is renumbered and amended to read:

[2-2-5]. 72-10-205. Acquisition of property -- Condemnation.

(1) Private property needed by the division or a county, municipality, or airport authority for an airport or landing field or for the expansion of an airport or landing field may be acquired by grant, purchase, lease, or other means if the division or the political subdivision is able to agree with

the owners of the property on the terms of acquisition.

(2) If no agreement can be reached, the private property may be obtained by condemnation in the manner provided for the state or a political subdivision to acquire real property for public purposes.

Section 290. Section **72-10-206**, which is renumbered from Section 2-2-6 is renumbered and amended to read:

[2-2-6]. 72-10-206. Payment by appropriation or sale of bonds.

The purchase price or award for real property acquired, in accordance with the provisions of this [act] part, for an airport or landing field may be paid for by appropriation of money available [therefor] for the property or wholly or partly from the proceeds of the sale of bonds of [said] the county, municipality, or other political subdivision, as the legislative body of [such] the political subdivision shall determine, subject to the adoption of a proposition [therefor] at a regular or special election, if the adoption of [such] a proposition is a prerequisite to the issuance of bonds of [such] the political subdivision for public purposes generally.

Section 291. Section **72-10-207**, which is renumbered from Section 2-2-7 is renumbered and amended to read:

**[2-2-7]. 72-10-207. Powers of department and political subdivisions over airports
-- Security unit.**

(1) The department [of Transportation], and counties, municipalities, or other political subdivisions of this state that have established or may establish airports or that acquire, lease, or set apart real property for those purposes, may:

(a) construct, equip, improve, maintain, and operate the airports or may vest the authority for their construction, equipment, improvement, maintenance, and operation in an officer of the department [of Transportation] or in an officer, board, or body of the political subdivision;

(b) adopt rules, establish charges, fees, and tolls for the use of airports and landing fields, fix penalties for the violation of the rules, and establish liens to enforce payment of the charges, fees, and tolls, subject to approval by the Aeronautical Committee;

(c) lease the airports to private parties for operation for a term not exceeding 50 years, as

long as the public is not deprived of its rightful, equal, and uniform use of the facility;

(d) lease or assign space, area, improvements, equipment, buildings, and facilities on the airports to private parties for operation for a term not exceeding 50 years;

(e) lease or assign real property comprising all or any part of the airports to private parties for the construction and operation of hangars, shop buildings, or office buildings for a term not exceeding 50 years, if the projected construction cost of the hangar, shop building, or office building is \$100,000 or more; and

(f) establish, maintain, operate, and staff a security unit for the purpose of enforcing state and local laws at any airport that is subject to federal airport security regulations.

(2) The department or political subdivision shall pay the construction, equipment, improvement, maintenance, and operations expenses of any airport established by them under Subsection (1) [(a)].

(3) (a) If the department or political subdivision establishes a security unit under Subsection (1) (f), the department head or the governing body of the political subdivision shall appoint persons qualified as peace officers under Title 77, Chapter 1a, Peace Officer Designation to staff the security unit.

(b) A security unit appointed by the department or political subdivision is exempt from civil service regulations.

Section 292. Section **72-10-208**, which is renumbered from Section 2-2-8 is renumbered and amended to read:

[2-2-8]. 72-10-208. Providing for levying of taxes.

The local public authorities having power to appropriate money within the counties, municipalities, or other public subdivisions of this state for the purpose of acquiring, establishing, developing, operating, maintaining, or controlling airports under the provisions of this [chapter] part, are authorized to appropriate and cause to be raised by taxation or otherwise in such political subdivisions money sufficient to carry out therein the provisions of this [chapter] part, also to use for such purpose or purposes money derived from the airports.

Section 293. Section **72-10-209**, which is renumbered from Section 2-2-9 is renumbered and

amended to read:

~~[2-2-9].~~ 72-10-209. Acquisition of air rights -- Condemnation.

(1) To provide unobstructed air space for the landing and taking off of aircraft using airports acquired or maintained under this ~~[title]~~ chapter, the division and a county, municipality, or airport authority may acquire the air rights over private property necessary to insure safe approaches to the landing areas of the airports.

(2) The air rights may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section ~~[2-2-5]~~ 72-10-205 for the acquisition or expansion of airports.

Section 294. Section **72-10-210**, which is renumbered from Section 2-2-10 is renumbered and amended to read:

~~[2-2-10].~~ 72-10-210. Easements for marks or lights -- Condemnation.

(1) The division and a county, municipality, or airport authority may acquire the right or easement for a term of years or perpetually to place and maintain suitable marks for the daytime, and to place, operate, and maintain suitable lights for the nighttime marking of buildings or other structures or obstructions for the safe operation of aircraft using airports and landing fields acquired or maintained under this ~~[title]~~ chapter.

(2) The rights or easements may be acquired by grant, purchase, lease, or condemnation in the same manner provided under Section ~~[2-2-5]~~ 72-10-205 for the acquisition or expansion of airports.

Section 295. Section **72-10-211**, which is renumbered from Section 2-2-11 is renumbered and amended to read:

~~[2-2-11].~~ 72-10-211. Police regulations.

The division and a county, municipality, or airport authority acquiring, establishing, developing, operating, maintaining, or controlling airports outside the geographical limits of the subdivisions, under this ~~[title]~~ chapter may amend and enforce police regulations for the airports.

Section 296. Section **72-10-212**, which is renumbered from Section 2-2-12 is renumbered and amended to read:

~~[2-2-12].~~ 72-10-212. General provisions of law applicable in condemnation

proceedings, issuing bonds, and levying taxes.

It is the intent and purpose of this [act] part that all provisions herein relating to the issuance of bonds and the levying of taxes for airport purposes and the condemnation for airports and airport facilities shall be construed in accordance with general provisions of the law of this state governing the right and procedure of municipalities to condemn property, issue bonds, and levy taxes.

Section 297. Section **72-10-213**, which is renumbered from Section 2-2-13 is renumbered and amended to read:

[2-2-13]. 72-10-213. Severability clause.

If any provision of this [act] part or [the] its application [thereof] is held invalid, [such] this invalidity [shall] does not affect provisions or applications of the [act] part which can be given effect without the invalid provision or application, and to this end the provisions of this [act] part are declared to be severable.

Section 298. Section **72-10-214**, which is renumbered from Section 2-2-14 is renumbered and amended to read:

[2-2-14]. 72-10-214. Construction of chapter.

This [act] part shall be so interpreted and construed as to effectuate the general purpose of those states which enact it.

Section 299. Section **72-10-301**, which is renumbered from Section 2-3-1 is renumbered and amended to read:

Part 3. Federal Airport Funds Act

[2-3-1]. 72-10-301. Definitions.

As used in this [chapter] part:

(1) "Airport" means any area of land or water which is used, or intended for use[:] for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for aircraft buildings or other airport facilities or rights of way, together with all airport buildings and facilities located [thereon] on them.

(2) "Air navigation facility" means any facility -- other than one owned and operated by the United States -- used in, available for use in, or designed for use in aid of air navigation, including

any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of [such] the facilities.

(3) "Airport hazard" means any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to [such] the landing or taking-off of aircraft.

(4) "Municipality" means any county, city, town, or political subdivision of this state.

(5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic[;] and includes any trustee, receiver, assignee, or other similar representation thereof.

(6) "Public agency" means the United States government or [~~an agency thereof;~~] any of its agencies, a state or [~~an agency thereof;~~] its agencies, a municipality or other political subdivision[;], or a tax-supported organization.

Section 300. Section **72-10-302**, which is renumbered from Section 2-3-2 is renumbered and amended to read:

[2-3-2]. 72-10-302. Purpose and policy of chapter.

It is declared that the purpose of this [act] part is to further the public interest in aeronautical progress:

(1) by authorizing public agencies of this state to accept, channel, and disburse federal, state, and other funds for the planning, acquisition, construction, maintenance, operation, and regulation of airports and air navigation facilities;

(2) by granting to a state agency [such] the powers and imposing upon it [such] the duties that the state may obtain the full benefit of financial assistance made available by the federal government, as well as assistance from other sources;

(3) by providing authority that may be exercised by a public agency independently or jointly with other public agencies, [thereby] and enabling two or more cities, towns, counties, and other political subdivisions jointly to establish, acquire, develop, and operate an airport or airports for their

joint or common use.

Section 301. Section **72-10-303**, which is renumbered from Section 2-3-3 is renumbered and amended to read:

[2-3-3]. 72-10-303. Submission of requests for aid -- Approval by division -- Receipt and disbursement of funds.

(1) The state, a county, municipality, or airport authority may not submit to any federal agency or department of the United States any requests for aid under any act of congress that provides funds for airports or commercial airport construction, development, expansion, or improvements, unless the project and the requests for aid have been first approved by the division.

(2) The state, a county, municipality, or airport authority may not directly accept, receive, receipt for, or disburse any funds granted by the United States under the act, but it shall designate the division as its agent and in its behalf to accept, receive, receipt for, and disburse the funds.

(3) The state, a county, municipality, or airport authority shall enter into an agreement with the division, prescribing the terms and conditions of the agency in accordance with federal laws, rules, and regulations and applicable laws of this state.

(4) Moneys paid by the United States government shall be retained by the state or paid to a county, municipality, or airport authority under terms and conditions imposed by the United States government in making the grant.

Section 302. Section **72-10-304**, which is renumbered from Section 2-3-5 is renumbered and amended to read:

[2-3-5]. 72-10-304. Powers and duties of division.

(1) The division may make available its engineering and other technical services, with or without charge, to the state, a county, municipality, or airport authority or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities.

(2) (a) The division may render financial assistance by grant, loan, or both, to any county, municipality, or airport authority, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by the

county, municipality, or airport authority, out of appropriations made by the Legislature for these purposes.

(b) Financial assistance may be furnished in connection with federal or other financial aid for the same purposes.

(3) (a) The division may use the facilities and services of other state agencies and of the counties and municipalities to the utmost extent possible.

(b) The state agencies, counties, and municipalities shall make available their facilities and services.

(4) All powers granted to any county, municipality, or airport authority by this chapter may be exercised jointly with any county, municipality, or airport authority, and jointly with any state agency or the United States if the laws of the other state or of the United States permit the joint exercise.

Section 303. Section **72-10-305**, which is renumbered from Section 2-3-6 is renumbered and amended to read:

[2-3-6]. 72-10-305. Mutual assistance -- Gifts, leases, and loans.

(1) If any public agency determines that the public interest and the interest of the public agency will be served by assisting any other public agency in exercising the powers and authority granted by this [act] part, [such] the public agency may furnish assistance by gift of real or personal property or money or lease or loan [thereof] with or without charge or interest.

(2) In appropriating [such] the property or money and providing for [such] the assistance by taxation, the issuance of bonds, or other means, the public agency may exercise all of its powers as though used for its own direct purposes as provided in this [act] part.

Section 304. Section **72-10-306**, which is renumbered from Section 2-3-7 is renumbered and amended to read:

[2-3-7]. 72-10-306. Contractual powers of public agencies.

A public agency may enter into any contracts necessary to the execution of the powers granted it, and for the purposes provided by this [act] part.

Section 305. Section **72-10-307**, which is renumbered from Section 2-3-8 is renumbered and

amended to read:

[2-3-8]. 72-10-307. Powers of governing bodies.

The governing body of any public agency having power to appropriate and raise money is authorized to appropriate, and to raise by taxation or otherwise, sufficient moneys to carry out the provisions and purposes of this [act] part.

Section 306. Section **72-10-308**, which is renumbered from Section 2-3-9 is renumbered and amended to read:

[2-3-9]. 72-10-308. Construction of chapter.

This [act] part shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government of the United States having to do with the subject of public airports.

Section 307. Section **72-10-309**, which is renumbered from Section 2-3-10 is renumbered and amended to read:

[2-3-10]. 72-10-309. Severability clause.

If any provision of this [act] part or [the] its application [thereof] to any person or circumstance shall be held invalid, [such] this invalidity [shall] does not affect the provisions or applications of this [act] part which can be given effect without the invalid provision or application, and to this end the provisions of this [act] part are declared to be severable.

Section 308. Section **72-10-401**, which is renumbered from Section 2-4-1 is renumbered and amended to read:

Part 4. Airport Zoning Act

[2-4-1]. 72-10-401. Definitions.

As used in this [act] part, unless the context otherwise requires:

(1) "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for [such] these purposes.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to

[such] the landing or taking-off of aircraft.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this [act] part.

(4) "Political subdivision" means any municipality, city, town, or county.

(5) "Structure" means any object constructed or installed by man, including~~[, but without limitation,]~~ buildings, towers, smokestacks, and overhead transmission lines.

(6) "Tree" means any object of natural growth.

Section 309. Section **72-10-402**, which is renumbered from Section 2-4-2 is renumbered and amended to read:

~~[2-4-2].~~ **72-10-402. Declaration with respect to airport hazards.**

[It is hereby found] The Legislature finds that:

(1) an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity~~[, and also, if of the];~~

(2) an obstruction of the type~~[, in effect]~~ that reduces the size of the area available for the landing, taking-off, and maneuvering of aircraft~~[, thus tending]~~ tends to destroy or impair the utility of the airport and the public investment ~~[therein. Accordingly, it is hereby declared (a) that]~~ in the airport;

(3) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; ~~[(b) that]~~

(4) it is ~~[therefore]~~ necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; ~~[and (c) that]~~

(5) this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation~~[. It is further declared that];~~ and

(6) both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests ~~[therein]~~ in land.

Section 310. Section **72-10-403**, which is renumbered from Section 2-4-3 is renumbered and

amended to read:

~~[2-4-3].~~ **72-10-403. Airport zoning regulations -- Joint airport zoning board -- Powers of board -- Membership.**

(1) (a) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions [~~hereinafter~~] prescribed in this part, airport zoning regulations for [~~such~~] the airport hazard area[~~, which~~].

(b) The regulations may divide [~~such~~] the area into zones, and, within [~~such~~] the zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(2) [~~Where~~] (a) If an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to [~~such~~] the airport is located outside the territorial limits of [~~said~~] the political subdivision, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board[~~, which~~].

(b) The board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by Subsection (1) in the political subdivision within which [~~such~~] the area is located.

(c) Each [~~such~~] joint board shall have as members two representatives appointed by each political subdivision participating in its creation and in addition a [~~chairman~~] chair elected by a majority of the [~~members so~~] appointed members.

Section 311. Section **72-10-404**, which is renumbered from Section 2-4-4 is renumbered and amended to read:

~~[2-4-4].~~ **72-10-404. Zoning ordinances -- Governing law in event of conflict.**

(1) In the event that a political subdivision has adopted[~~,~~] or [~~hereafter~~] adopts[~~,~~] a comprehensive zoning ordinance regulating[~~, among other things,~~] the height of buildings, any airport zoning regulations applicable to the same area or a portion [~~thereof~~] of the area may be incorporated in and made a part of [~~such~~] comprehensive zoning regulations, and be administered

and enforced in connection [therewith] with the comprehensive zoning regulations.

(2) In the event of conflict between any airport zoning regulations adopted under this [act] part and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether [such] the other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Section 312. Section **72-10-405**, which is renumbered from Section 2-4-5 is renumbered and amended to read:

[2-4-5]. 72-10-405. Airport zoning regulations -- Adoption and amendment -- Airport zoning commission -- Powers and duties.

(1) [No] (a) An airport zoning regulation [shall] may not be adopted, amended, or changed under this [act] part except by action of the legislative body of the political subdivision in question, or the joint board provided for in Subsection [2-4-3] 72-10-403(2), after a public hearing [in relation thereto,] at which parties in interest and citizens shall have an opportunity to be heard.

(b) At least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard area to be zoned.

(2) (a) Prior to the initial zoning of any airport hazard area under this [act] part, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted [therefor]. [Such]

(b) The commission shall make a preliminary report and hold public hearings [thereon] before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board [shall] may not hold its public hearings or take other action until it has received the final report of [such] the commission. [Where]

(c) If a comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Section 313. Section **72-10-406**, which is renumbered from Section 2-4-6 is renumbered and amended to read:

~~[2-4-6].~~ **72-10-406. Airport zoning regulations -- Validity, limitations, and restrictions.**

(1) (a) All airport zoning regulations adopted under this [act] part shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this [act] part.

(b) In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider~~[, among other things,]~~ the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(2) ~~[No]~~ Any airport zoning regulations adopted under this [act ~~shall~~] part may not require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in Subsection ~~[2-4-7]~~ 72-10-407(3).

Section 314. Section **72-10-407**, which is renumbered from Section 2-4-7 is renumbered and amended to read:

~~[2-4-7].~~ **72-10-407. Permit for new or changed structures or uses -- Nonconforming structures -- Airport hazards -- Application to board of adjustment for variance -- Allowance of variance -- Conditioning permit or variance.**

(1) (a) Any airport zoning regulations adopted under this [act] part may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered or repaired. ~~[In any event, however, all such]~~

(b) All regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit ~~[must]~~ shall be secured from the administrative agency authorized to administer and enforce the regulations, authorizing ~~[such]~~ the replacement, change, or repair. ~~[No]~~

(c) A permit [shall] ~~may not~~ be granted that [would allow] allows the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or [~~than it is~~] when the application for a permit is made.

(d) Except as provided [~~herein~~] in this Subsection (1), all applications for permits shall be granted.

(2) (a) Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use [~~his~~] the person's property in violation of airport zoning regulations adopted under this [~~act~~] part, may apply to the board of adjustment for a variance from the zoning regulations in question. [~~Such~~]

(b) A variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this [~~act; provided, that any~~] part.

(c) Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this [~~act~~] part.

(3) In granting any permit or variance under this section, the administrative agency or board of adjustment may, if it [~~deems such~~] considers the action advisable to effectuate the purposes of this [~~act~~] part and reasonable in the circumstances, so condition [~~such~~] a permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon [~~such~~] markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Section 315. Section **72-10-408**, which is renumbered from Section 2-4-8 is renumbered and amended to read:

[2-4-8]. 72-10-408. Appeals to board of adjustment -- Procedure -- Stay of proceedings -- Hearing and judgment.

(1) Any person aggrieved, or taxpayer affected, by any decision of any administrative agency made in its administration of airport zoning regulations adopted under this [~~act~~] part, or any

governing body of a political subdivision, or any joint airport zoning board, which is of the opinion that a decision of [such] an administrative agency is an improper application of airport zoning regulations of concern to [such] the governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of [such] the administrative agency.

(2) (a) All appeals taken under this section [must] shall be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds [~~thereof~~] of the appeal.

(b) The agency from which the appeal is taken shall [~~forthwith~~] transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(3) (a) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property.

(b) In [such] these cases, proceedings shall not be stayed otherwise than by order of the board on notice to the agency from which the appeal is taken and on due cause shown.

(4) (a) The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the [~~same~~] appeal within a reasonable time.

(b) Upon the hearing any party may appear in person or by agent or by attorney.

(5) The board may, in conformity with the provisions of this [act] part, reverse or affirm wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make [such] an order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

Section 316. Section **72-10-409**, which is renumbered from Section 2-4-9 is renumbered and amended to read:

[2-4-9]. 72-10-409. Airport zoning regulations -- Administration and enforcement.

(1) (a) All airport zoning regulations adopted under this [act] part shall provide for the administration and enforcement of [such] the regulations by an administrative agency which may

be an agency created by [such] the regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision [but in no case shall such].

(b) The administrative agency may not be or include any member of the board of adjustment.

(2) The duties of any administrative agency designated pursuant to this [act] part shall include that of hearing and deciding all permits under Subsection [~~2-4-7~~] 72-10-407(1), but [such] the agency [shall] may not have or exercise any of the powers [herein] delegated to the board of adjustment.

Section 317. Section **72-10-410**, which is renumbered from Section 2-4-10 is renumbered and amended to read:

[~~2-4-10~~]. 72-10-410. Board of adjustment -- Powers -- Appointment and membership of board -- Hearings and decisions by board -- Meetings -- Adoption of rules.

(1) All airport zoning regulations adopted under this [act] part shall provide for a board of adjustment to have and exercise the following powers:

(a) to hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in Section [~~2-4-8~~] 72-10-408;

(b) to hear and decide any special exceptions to the terms of the airport zoning regulations upon which [such] the board may be required to pass under [such] the regulations;

(c) to hear and decide specific variances under Subsection [~~2-4-7~~] 72-10-407(2).

(2) [Where] (a) If a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment.

(b) Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of three years, by the authority adopting the regulations and to be removable by the appointing authority for cause, upon written charges and after public hearing.

(3) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency,

or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in [such] the regulations.

(4) (a) The board shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created.

(b) Meetings of the board shall be held at the call of the [chairman] chair and at [such] other times as the board may determine.

(c) The [chairman] chair, or in [his] the chair's absence, the acting [chairman] chair, may administer oaths and compel the attendance of witnesses.

(d) All hearings of the board shall be public.

(e) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating [such] the fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board and shall be a public record.

Section 318. Section **72-10-411**, which is renumbered from Section 2-4-11 is renumbered and amended to read:

~~[2-4-11].~~ **72-10-411. Appeals to district courts -- Procedure -- Findings, judgment, and costs -- Regulations invalid as to one structure or parcel of land.**

(1) (a) Any person aggrieved, or taxpayer affected, by any decision of a board of adjustment, or any governing body of a political subdivision or any joint airport zoning board, which is of the opinion that a decision of a board of adjustment is illegal, may present to the district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. [Such]

(b) The petition shall be presented to the court within 30 days after the decision is filed in the office of the board.

(2) (a) Upon presentation of [such] the petition the court may allow a writ of certiorari directed to the board of adjustment to review [such] the decision of the board.

(b) The allowance of the writ [shall] may not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a

restraining order.

(3) (a) The board of adjustment [~~shall~~] may not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies [~~thereof~~] of the papers or of [~~such~~] any portions [~~thereof~~] as may be called for by the writ.

(b) The return shall concisely set forth [~~such~~] any other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) (a) The court shall have exclusive jurisdiction to affirm, modify, or set aside the decision brought up for review, in whole or in part, and if [~~need be~~] necessary, to order further proceedings by the board of adjustment.

(b) The findings of fact of the board shall be considered by the court unless [~~such~~] an objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) Costs [~~shall~~] may not be allowed against the board of adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

(6) In any case in which airport zoning regulations adopted under this [~~act~~] part, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to [~~such~~] an extent, or to be so onerous in their application to [~~such~~] a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state or the Constitution of the United States, [~~such~~] the holding shall not affect the application of [~~such~~] the regulations to other structures and parcels of land.

Section 319. Section **72-10-412**, which is renumbered from Section 2-4-12 is renumbered and amended to read:

~~[2-4-12]~~. **72-10-412. Violations of chapter or rulings -- Misdemeanor -- Remedies of political subdivisions.**

(1) Each violation of this [~~act~~] part or of any regulations, orders, or rulings promulgated or made pursuant to this [~~act~~] part, shall constitute a misdemeanor. [~~In addition, the~~]

(2) (a) A political subdivision or agency adopting zoning regulations under this [~~act~~] part

may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this [act] part, or of airport zoning regulations adopted under this [act] part, or of any order or ruling made in connection with their administration or enforcement~~[, and the]~~.

(b) The court shall adjudge to the plaintiff ~~[such]~~ the relief, by way of injunction or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this [act] part and of the regulations adopted and orders and rulings made pursuant ~~[thereto]~~ to them.

Section 320. Section **72-10-413**, which is renumbered from Section 2-4-13 is renumbered and amended to read:

~~[2-4-13].~~ **72-10-413. Purchase or condemnation of air rights or navigation easements.**

~~[In any case which: (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the]~~ A political subdivision within which the property or nonconforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, [such] an air right, navigation easement, or other estate or interest in the property or nonconforming structure or use in question [as may be necessary to effectuate the purposes of this act.] if:

- (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use;
- (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this part; or
- (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations.

Section 321. Section **72-10-414**, which is renumbered from Section 2-4-16 is renumbered and amended to read:

[2-4-16]. 72-10-414. Exchange of private property near federal airports.

(1) If any governmental entity or agency adopts any measure which infringes upon the use of privately owned property, or which is designed to assure development compatible with the continued operation of a federal airport, the owner of that private property, if the owner has continuously owned the land from the date of the measure and whose land is wholly or partially within the area directly affected by the measure, may request an exchange of the affected land for state land outside the affected area.

(2) (a) Upon a request pursuant to Subsection (1), the Board of State Lands, without cost to the affected landowner, shall appraise the subject land taking into consideration the fair market value of any and all improvements, and may offer a land exchange at the earliest practicable time.

(b) The state may identify at least one, and may identify up to three parcels of state land of a substantially equal value to the land requested to be exchanged, and which can otherwise be exchanged in a manner which will not prejudice the interest of the state and which will not be inconsistent with proper management, control, protection, and use of state land.

(c) The state may provide for the use of qualified appraisers to expedite the process of the request.

Section 322. Section **72-10-415**, which is renumbered from Section 2-4-14 is renumbered and amended to read:

[2-4-14]. 72-10-415. Severability clause.

If any provision of this [act] part or [the] its application [thereof] to any person or circumstances is held invalid, [such] this invalidity [shall] does not affect the provisions or applications of the [act] part which can be given effect without the invalid provision or application, and to this end the provisions of this [act] part are declared to be severable.

Section 323. Section **72-10-501**, which is renumbered from Section 2-6-101 is renumbered and amended to read:

Part 5. Flying While Intoxicated

[2-6-101]. 72-10-501. Flying under the influence of alcohol, drugs, or with specified or unsafe blood alcohol concentration -- Measurement of blood or breath alcohol -- Criminal

punishment -- Arrest without warrant.

(1) (a) A person may not operate or be in actual physical control of an aircraft within this state if the person:

(i) has a blood or breath alcohol concentration of .04 grams or greater as shown by a chemical test given within two hours after the alleged operation or physical control; or

(ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating an aircraft.

(b) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating this section.

(2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

(3) (a) A person convicted of a violation of Subsection (1) is guilty of a:

(i) class B misdemeanor; or

(ii) class A misdemeanor if the person has also inflicted bodily injury upon another as a proximate result of having operated the aircraft in a negligent manner.

(b) In this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(4) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe:

(a) the violation has occurred, although not in [his] the officer's presence; and

(b) the violation was committed by that person.

Section 324. Section **72-10-502**, which is renumbered from Section 2-6-102 is renumbered and amended to read:

~~[2-6-102].~~ **72-10-502. Implied consent to chemical tests for alcohol or drugs --**

Number of tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who may give test -- Evidence.

(1) (a) A person operating an aircraft in this state consents to a chemical test or tests of his breath, blood, or urine:

(i) for the purpose of determining whether [he] the person was operating or in actual physical control of an aircraft while having a blood or breath alcohol content statutorily prohibited under Section [~~2-6-101~~] 72-10-501, or while under the influence of alcohol, any drug, or combination of alcohol and any drug under Section [~~2-6-101~~] 72-10-501, if the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of an aircraft in violation of Section [~~2-6-101~~] 72-10-501; or

(ii) if the person operating the aircraft is involved in an accident that results in death, serious injury, or substantial aircraft damage.

(b) (i) The peace officer determines which of the tests are administered and how many of them are administered.

(ii) The peace officer may order any or all tests of the person's breath, blood, or urine.

(iii) If an officer requests more than one test, refusal by a person to take one or more requested tests, even though [he] the person does submit to any other requested test or tests, is a refusal under this section.

(c) (i) A person who has been requested under this section to submit to a chemical test or tests of [his] the person's breath, blood, or urine may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2) (a) If the person has been placed under arrest and has then been requested by a peace officer to submit to any one or more of the chemical tests provided in Subsection (1) and refuses to submit to any chemical test, the person shall be warned by the peace officer requesting the test that a refusal to submit to the test is admissible in civil or criminal proceedings as provided under Subsection (8).

(b) Following this warning, unless the person immediately requests that the chemical test offered by a peace officer be administered, a test may not be given.

(3) Any person who is dead, unconscious, or in any other condition rendering [him] the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection (1), and the test or tests may be administered whether the person has been arrested or not.

(4) Upon the request of the person who was tested, the results of the test or tests shall be made available to him.

(5) (a) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 to draw blood under Section 41-6-44.10, acting at the request of a peace officer, may withdraw blood to determine the alcohol or drug content. This limitation does not apply to the taking of a urine or breath specimen.

(b) Any physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 to draw blood under Section 41-6-44.10 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is flying in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

(6) (a) The person to be tested may, at [his] the person's own expense, have a physician of [his] the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(7) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

(8) If a person under arrest refuses to submit to a chemical test or tests or any additional test

under this section, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of an aircraft while under the influence of alcohol, any drug, or combination of alcohol and any drug.

(9) The results of any test taken under this section or the refusal to be tested shall be reported to the Federal Aviation Administration by the peace officer requesting the test.

Section 325. Section **72-10-503**, which is renumbered from Section 2-6-103 is renumbered and amended to read:

[2-6-103]. 72-10-503. Standards for chemical breath analysis -- Evidence.

(1) The commissioner of the Department of Public Safety shall establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.

(2) In any action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol or any drug or operating with a blood or breath alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions, or events to prove that the analysis was made and the instrument used was accurate, according to standards established in Subsection (1), are admissible if:

(a) the judge finds that they were made in the regular course of the investigation at or about the time of the act, condition, or event; and

(b) the source of information from which made and the method and circumstances of their preparation indicate their trustworthiness.

(3) If the judge finds that the standards established under Subsection (1) and the conditions of Subsection (2) have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary.

Section 326. Section **72-10-504**, which is renumbered from Section 2-6-104 is renumbered and amended to read:

[2-6-104]. 72-10-504. Admissibility of chemical test results in actions for flying

under the influence -- Weight of evidence.

(1) (a) In any civil or criminal action or proceeding in which it is material to prove that a person was operating or in actual physical control of an aircraft while under the influence of alcohol, drugs, or with a blood or breath alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section ~~[2-6-102]~~ 72-10-502 are admissible as evidence.

(b) (i) In a criminal proceeding, noncompliance with Section ~~[2-6-102]~~ 72-10-502 does not render the results of the chemical test inadmissible.

(ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.

(2) If the chemical test was taken more than two hours after the alleged flying or actual physical control, the test result is admissible as evidence of the person's blood or breath alcohol level at the time of the alleged operating or actual physical control, but the trier of fact shall determine what weight is given to the result of the test.

(3) This section does not prevent a court from receiving otherwise admissible evidence as to a defendant's blood or breath alcohol level or drug level at the time of the alleged operating or actual physical control.

Section 327. Section **72-11-101** is enacted to read:

CHAPTER 11. AERIAL TRAMWAY SYSTEMS

72-11-101. Title.

This chapter is known as the "Aerial Tramway Systems Act."

Section 328. Section **72-11-102** is enacted to read:

72-11-102. Definitions.

As used in this chapter, "committee" means the Passenger Tramway Safety Committee.

Section 329. Section **72-11-103**, which is renumbered from Section 63-11-22 is renumbered and amended to read:

~~[63-11-22].~~ **72-11-103. Authority of Passenger Tramway Safety Committee -- Location of system.**

(1) The [Passenger Tramway Safety Committee, hereinafter referred to as the] committee[;]

is authorized to acquire, construct, reconstruct, improve or extend, maintain and operate, either directly or through others by contract, lease, concession or otherwise, an aerial tramway system for the transportation of persons and property between a point or points in the:

(a) Wasatch Mountain State Park; and [a point or points in the]

(b) Uintah and Wasatch National Forests in the upper parts of Big Cottonwood, Little Cottonwood and American Fork Canyons in Salt Lake, Utah and Wasatch Counties [in the state of Utah; to].

(2) The committee may acquire by purchase, contract, lease, permit, donation or otherwise, and to construct, maintain and operate, either directly or through others, by contract, lease, concession or otherwise, all property, rights of way, approach roads, parking and other areas, structures, facilities and services for the convenience and recreation of patrons of [said] the transportation system and visitors to the Wasatch Mountain State Park [which the commission may deem necessary or desirable therefor].

(3) Any [such] contract, lease, concession, or other arrangement may be entered into in [such] a manner and upon [such] the terms and conditions as the committee may [deem] consider advisable.

Section 330. Section **72-11-104**, which is renumbered from Section 63-11-23 is renumbered and amended to read:

~~[63-11-23].~~ **72-11-104. Laws applicable to construction contracts and contractor's bonds.**

(1) [~~Because of the technicalities involved in the design and construction of the principal facilities contemplated by this act, and only subject to the approval of the division of facilities construction and management in each case, construction]~~ Construction contracts entered into by the committee under the authority of this [act shall] chapter are not [be] subject to the provisions of Sections 64-1-4 and 64-1-5[, and any amendments thereto,] and shall be governed solely by this [act; provided that the] chapter, except they are subject to the approval of the Division of Facilities Construction and Management.

(2) The provisions of Title 14, Chapter 1, Public Contracts requiring contractor's bonds are

expressly made applicable to any construction contract under this [act] chapter when the amount of [such] the contract exceeds \$1,000.

Section 331. Section **72-11-105**, which is renumbered from Section 63-11-24 is renumbered and amended to read:

[63-11-24]. 72-11-105. Authority of committee to accept grants and assistance.

(1) The committee is authorized to co-operate and contract with and accept grants or other assistance from any other agency of the state of Utah and from any department, bureau, agency, instrumentality, office or officer of the United States and from the trustees or administrators of any fund established in the interest of conservation or recreation[;].

(2) The grants or other assistance may be used for the acquisition, construction, maintenance, development, and operation of any of the areas, facilities, activities, or services at any time under, or intended to be brought under, the jurisdiction or control of the committee, expressly including those contemplated by the provisions of this [act] chapter.

Section 332. Section **72-11-106**, which is renumbered from Section 63-11-25 is renumbered and amended to read:

[63-11-25]. 72-11-106. Revenue bonds authorized.

To raise funds for the acquisition, financing, construction, reconstruction, improvement, or extension of [all-or] any of [the foregoing] those purposes, projects, and facilities, the committee is authorized to issue revenue bonds in amounts bearing a rate or rates of interest not exceeding 9% per annum, with maturities, in a form and on terms and conditions as it, with the approval of the director of the Division of Finance, [deems] considers necessary or convenient.

Section 333. Section **72-11-107**, which is renumbered from Section 63-11-26 is renumbered and amended to read:

**[63-11-26]. 72-11-107. Payment of interest and principal of revenue bonds --
Agreements authorized.**

The committee may provide by resolution at a duly called regular or special meeting for the payment of the interest and principal of any and all [such] revenue bonds as may be issued from time to time, and for that purpose may enter into agreements with other parties and may execute

documents in a form and substance and on terms and conditions as it, with the approval of the director of the Division of Finance, may from time to time determine.

Section 334. Section **72-11-108**, which is renumbered from Section 63-11-27 is renumbered and amended to read:

~~[63-11-27].~~ 72-11-108. Revenue bonds not debt or obligation of state or committee.

(1) In any and all revenue bonds issued hereunder and in the resolution or resolutions authorizing ~~[the same]~~ them, and in the agreements or documents entered into and executed in connection therewith, neither the payment of the principal or interest of any ~~[such]~~ bond nor the obligation of any ~~[such]~~ resolution, agreement, or document shall constitute a debt, liability, or obligation of the state ~~[of Utah]~~ or the committee ~~[and]~~.

(2) Payments are to be paid solely from the revenues received from the operation of the proposed aerial tramway transportation system, visitor care and accommodations, and all services in connection with the Wasatch Mountain State Park, as in the proceedings authorizing the issuance of the bonds, shall be pledged to the payment thereof.

(3) All bonds issued under this ~~[act]~~ chapter by the committee shall contain a recital on their face that neither the payment of the principal or any part thereof, nor any interest thereon, constitute a debt, liability, or obligation of the state ~~[of Utah]~~ or the committee.

Section 335. Section **72-11-109**, which is renumbered from Section 63-11-28 is renumbered and amended to read:

~~[63-11-28].~~ 72-11-109. Revenues from operation to be pledged to payment of bonds and used for costs of operation and maintenance.

(1) Any resolution or trust indenture authorizing the issuance of the revenue bonds shall provide that all toll rates and charges and fees imposed for the use of all ~~[such]~~ transportation, visitor care and accommodations, recreational and other facilities and all services, the revenues of which are pledged to the payment of revenue bonds authorized hereunder, shall be at all times fixed in ~~[such]~~ the amounts as will yield sufficient revenues to pay principal of and interest on ~~[said]~~ the bonds, to maintain the necessary reserves in connection therewith and to pay the annual cost of operation and maintenance of any of ~~[such]~~ the facilities~~[, and the]~~.

(2) The committee may in [~~such~~] the resolution or trust indenture pledge to the payment of the principal of and interest on [~~said~~] the revenue bonds all or part of the revenues arising from the operation of all [~~such~~] transportation, visitor care and accommodations, recreational and other facilities, and all services operated by the commission in connection with the Wasatch Mountain State Park, whether or not acquired with the proceeds of [~~said~~] the revenue bonds, after there shall have been paid from [~~such~~] the revenues the annual costs of operation and maintenance of all [~~such~~] the facilities, including necessary costs of insurance~~[-and the]~~.

(3) The committee may also in [~~any such~~] the resolution or trust indenture reserve the right to issue bonds on a parity with the bonds authorized by [~~said~~] the resolution or indenture under [~~such~~] the terms and conditions as may be provided therein.

(4) After and subject to the payment of annual operating and maintenance expenses and insurance costs, the bond redemption and interest payments, including reserves therefor, shall constitute a first lien on all [~~such~~] the rates, tolls and charges, and other revenues received from the use and operation of the project or projects for the acquisition and construction of which [~~such~~] the revenue bonds were issued, and of any other revenue received from the operation of facilities in connection with the Wasatch Mountain State Park that may be pledged by the committee as security for the payment of [~~said~~] the revenue bonds and interest for this project or projects.

Section 336. Section **72-11-110**, which is renumbered from Section 63-11-29 is renumbered and amended to read:

[~~63-11-29~~]. 72-11-110. Bonds -- Negotiability – Tax exemption except corporate franchise tax.

All bonds issued under the provisions of this [~~act~~] chapter are negotiable instruments except when registered in the name of a registered owner and all [~~such~~] the bonds, and the interest or income therefrom, are exempt from all taxation in the state [~~of Utah~~], except for the corporate franchise tax.

Section 337. Section **72-11-111**, which is renumbered from Section 63-11-30 is renumbered and amended to read:

[~~63-11-30~~]. 72-11-111. Sale of bonds.

The committee, with the approval of the director of the Division of Finance, may fix the terms and conditions for the sale or other disposition of any authorized issuance of bonds [hereunder] under this chapter and may sell any of the bonds at less than the par or face value, but no bond may be sold at a price below the par or face value of the bond which would result in a sale price yielding to the purchaser an average of more than 9% per annum, payable semiannually according to standard tables of bond values.

Section 338. Section **72-11-112**, which is renumbered from Section 63-11-31 is renumbered and amended to read:

~~[63-11-31].~~ **72-11-112. Powers and authority of committee.**

The committee, its officers, employees, and agents are [hereby] authorized [to proceed] to carry out the necessary procedures to implement the acquisition and development of an aerial tramway system together with the necessary property, appliances, facilities, rights of way and easements necessary or useful in connection therewith and to do anything not inconsistent with law which they [deem] consider necessary or convenient to carry out the provisions of this [act] chapter, whether or not [such] the authority is expressly given herein.

Section 339. Section **72-11-113**, which is renumbered from Section 63-11-32 is renumbered and amended to read:

~~[63-11-32].~~ **72-11-113. Refunding of bonds authorized.**

Subject to the approval of the director of the Division of Finance, the committee is authorized to refund any revenue bonds that may become due or that may be called with the consent of the holder or holders whenever refunding may be [deemed] considered necessary or desirable.

Section 340. Section **72-12-101** is enacted to read:

CHAPTER 12. TRAVEL REDUCTION

72-12-101. Title.

This chapter is known as the "Travel Reduction Act."

Section 341. Section **72-12-102**, which is renumbered from Section 54-11-1 is renumbered and amended to read:

~~[54-11-1].~~ **72-12-102. Legislative findings and policy.**

(1) The Legislature finds that:

(a) increasingly heavy commuting burdens on Utah's freeways and major transportation arteries are gradually aggravating driving conditions for all Utah motorists;

(b) single-occupant driving is the predominant mode of transportation used by commuters in Utah;

(c) single-occupant driving represents the most costly and most excessive use of dwindling petroleum reserves; and

(d) rapidly increasing energy costs represent an ever-growing burden on commuters' work-related expenses.

(2) The policy of this state is to support and encourage transportation modes and ride-sharing programs that reduce the number of vehicle miles traveled, thereby reducing gasoline consumption and protecting the environment.

Section 342. Section **72-12-103**, which is renumbered from Section 54-11-2 is renumbered and amended to read:

[~~54-11-2~~]. 72-12-103. Definitions.

As used in this chapter:

(1) "Car-pool" means a mode of transportation in which:

(a) six or fewer persons, including the driver, ride together in a motor vehicle;

(b) that transportation is incidental to another purpose of the driver; and

(c) the vehicle manufacturer's design capacity of any one seat is not exceeded.

(2) "Van-pool" means a nonprofit mode of prearranged commuter transportation of a relatively fixed group of seven to 15 persons, including the driver, between home and work, or termini near home and work, in a vehicle the group occupancy of which does not exceed the vehicle manufacturer's design capacity and that:

(a) is owned or leased and operated by an individual:

(i) who owns only one van-pool vehicle;

(ii) whose provision of transportation is incidental to another purpose of the operator;

(iii) who does not transport people as a business; and

(iv) who accepts money from riders in the vehicle, if at all, only to recover some or all expenses directly related to the transportation, including fuel, maintenance, insurance, and depreciation;

(b) is owned or leased by a nonprofit employee organization and used to transport employees between home and work, or termini near home and work to provide incentives to employees to make the commute by a mode other than single occupant motor vehicle, the operating, administration, and reasonable depreciation costs of which are paid, if at all, by the persons using the vehicles; or

(c) is owned or leased by an employer, a public agency, or a public transit district, either alone or in cooperation with others to provide incentives to employees to make the commute by a mode other than single occupant motor vehicle, the driver and passengers of which are employees and fees charged, if at all, for which are nonprofit and only to recover operating, maintenance, administration, and reasonable depreciation costs.

(3) "Ride-sharing arrangement" means either a car-pool, van-pool, or both.

Section 343. Section **72-12-104**, which is renumbered from Section 54-11-4 is renumbered and amended to read:

[54-11-4]. 72-12-104. Ride-sharing arrangements -- Exemption from specified laws and rules.

The following laws and rules do not apply to ride-sharing arrangements:

(1) laws and rules containing insurance requirements that are specifically applicable to motor carriers or commercial vehicles;

(2) laws imposing a higher standard of care on drivers or owners of motor carriers or commercial vehicles than that imposed on drivers or owners of other motor vehicles;

(3) laws and rules with equipment requirements and special accident reporting requirements that are specifically applicable to motor carriers or commercial vehicles; and

(4) laws imposing a tax on fuel purchased in other states by motor carriers or road user taxes on commercial buses.

Section 344. Section **72-12-105**, which is renumbered from Section 54-11-5 is renumbered and amended to read:

[54-11-5]. 72-12-105. Worker compensation inapplicable to injuries in ride-sharing.

Section 34A-2-401 providing compensation for workers injured during the course of their employment ~~shall~~ does not apply to persons injured while participating in a ride-sharing arrangement between their places of residence and places of employment.

Section 345. Section **72-12-106**, which is renumbered from Section 54-11-6 is renumbered and amended to read:

[54-11-6]. 72-12-106. Employer's liability for ride-sharing injuries.

(1) An employer ~~shall~~ is not ~~be~~ liable for injuries to passengers or other persons or both resulting from the operation or use of a motor vehicle not owned, leased, or contracted for by the employer in a ride-sharing arrangement.

(2) An employer ~~shall~~ is not ~~be~~ liable for injuries to passengers or other persons or both on account of the employer having provided information or incentives or otherwise having encouraged employees to participate in ride-sharing arrangements.

Section 346. Section **72-12-107**, which is renumbered from Section 54-11-7 is renumbered and amended to read:

[54-11-7]. 72-12-107. Benefits of ride-sharing driver not taxable income.

Money and other benefits, other than salary, received by a driver in a ride-sharing arrangement ~~shall~~ does not constitute income for the purpose of computing gross income under Title 59, Chapter 10, Individual Income Tax.

Section 347. Section **72-12-108**, which is renumbered from Section 54-11-8 is renumbered and amended to read:

[54-11-8]. 72-12-108. Local taxation and licensing.

~~No~~ A county~~, city, town,~~ or ~~other municipal corporation~~ municipality may not impose a tax on, or require a license for, a ride-sharing arrangement.

Section 348. Section **72-12-109**, which is renumbered from Section 54-11-9 is renumbered and amended to read:

[54-11-9]. 72-12-109. Wage and hour regulations unaffected by ride-sharing.

The fact that an employee participates in any kind of ride-sharing arrangement ~~shall~~ does

not[, without more, result in] effect the application of any laws requiring payment of a minimum wage or overtime pay or otherwise regulating the hours a person may work.

Section 349. Section **72-12-110**, which is renumbered from Section 54-11-10 is renumbered and amended to read:

~~[54-11-10].~~ **72-12-110. Vehicles used and drivers excluded from definitions for regulatory purposes.**

(1) A motor vehicle used in a ride-sharing arrangement is not a bus or commercial vehicle under:

(a) Title 41, Chapter 6, Traffic Rules and Regulations, relating to equipment requirements and rules of the road; and

(b) Title 41, Chapter 1a, Motor Vehicle Act, relating to registration.

(2) The driver of a vehicle used in a ride-sharing arrangement is not a chauffeur and he is not transporting persons for compensation under the driver licensing provisions of Title 53, Chapter 3, Uniform Driver License Act.

Section 350. Section **77-1a-4** is amended to read:

77-1a-4. Special function officers.

(1) (a) "Special function officers" means persons performing specialized investigations, service of legal process, or security functions.

(b) "Special function officers" include state military police, constables, port-of-entry agents as defined in Section ~~[27-12-2]~~ 72-1-102, authorized employees or agents of the Department of Transportation assigned to administer and enforce the provisions of Title ~~[27]~~ 72, Chapter ~~[17]~~ 9, Motor Carrier Safety Act, school district security officers, Utah State Hospital security officers designated pursuant to Section 62A-12-203, Utah State Developmental Center security officers designated pursuant to Subsection 62A-5-206(9), fire arson investigators for any political subdivision of the state, airport security officers of any airport owned or operated by the state or any of its political subdivisions, railroad special agents deputized by a county sheriff under Section 17-30-2, and all other persons designated by statute as having peace officer authority.

(c) Ordinance enforcement officers employed by municipalities or counties may be special

function officers.

(d) Employees of the Department of Natural Resources who have been designated to conduct supplemental enforcement functions as a collateral duty shall be special function officers.

(2) (a) Special function officers have peace officer authority only while engaged in the duties of their employment, and not for the purpose of general law enforcement. If the officer is charged with security functions respecting facilities or property, the powers may be exercised only in connection with acts occurring on the property where the officer is employed or when required for the protection of the employer's interest, property, or employees.

(b) Airport security officers have total peace officer authority when on duty and when acting in relation to the responsibilities of the airport at which they are employed, providing that the powers may be exercised only in connection with acts occurring on the property of the airport.

(c) Special function officers may carry firearms only if authorized and under conditions specified by the officer's employer or chief administrator. The carrying of firearms by constables is authorized only while they are engaged in the duties of their employment.

(3) (a) A special function officer may not exercise the authority of a peace officer until the officer has satisfactorily completed an approved basic training program for special function officers as provided under Subsection (b) and the chief law enforcement officer or administrator has certified this fact to the director of the Peace Officer Standards and Training Division. City and county constables and their deputies shall certify their completion of training to the legislative governing body of the county they serve.

(b) The agency that the special function officer serves shall establish and maintain a basic special function course and in-service training programs as approved by the director of the Peace Officer Standards and Training Division with the advice and consent of the Peace Officer Standards and Training Council. The training shall consist of no fewer than 40 hours per year and shall be conducted by the agency's own staff or other agencies.

Section 351. Section **77-7-18** is amended to read:

77-7-18. Citation on misdemeanor or infraction charge.

A peace officer, in lieu of taking a person into custody, any public official of any county or

municipality charged with the enforcement of the law, a port-of-entry agent as defined in Section ~~[27-12-2]~~ 72-1-102, and a volunteer authorized to issue a citation under Section 41-6-19.5 may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor or infraction charge to appear at the court of the magistrate before whom the person should be taken pursuant to law if the person had been arrested.

Section 352. Section **78-3-14.5** is amended to read:

78-3-14.5. Allocation of district court fees and forfeitures.

(1) Except as provided in this section, district court fines and forfeitures collected for violation of state statutes shall be paid to the state treasurer.

(2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state treasurer and 1/2 to the treasurer of the government which prosecutes or which would prosecute the violation.

(3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code of Utah, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

(a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

(b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the Division of Parks and Recreation and 15% to the General Fund.

(4) Fines and forfeitures collected for violation of Section ~~[27-12-151]~~ 72-7-404 or ~~[27-12-154]~~ 72-7-406, less fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B and C road account. Fees established by the Judicial Council shall be deposited in the state General Fund. Money deposited in the class B and C road account is supplemental to the money appropriated under Section ~~[27-12-127]~~ 72-2-107 but shall be expended in the same manner as other class B and C road funds.

(5) Fines and forfeitures collected for any violations not specified in this chapter or otherwise provided for by law shall be paid to the state treasurer.

(6) Fees collected in connection with civil actions filed in the district court shall be paid to

the state treasurer.

(7) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

Section 353. Section **78-5-116** is amended to read:

78-5-116. Disposition of fines.

(1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, one-half to the treasurer of the local government responsible for the court and one-half to the treasurer of the local government which prosecutes or which would prosecute the violation.

(2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.

(b) For violation of Title 73, Chapter 18, the court shall allocate 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county government responsible for the justice court.

(3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

(4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of [~~Sections 27-12-151~~] Section 72-7-404 or [~~27-12-154~~] 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and distributed [~~under the following schedule: (a) from July 1, 1991, through June 30, 1992, 25% to the class B and C road account and 75% as provided in Subsection (1); (b) from July 1, 1992, through June 30, 1993, 50% to the class B and C road account and 50% as provided in Subsection (1); (c) from July 1, 1993, through June 30, 1994, 75% to the class B and C road account and 25% as provided in Subsection (1); and (d) beginning July 1, 1994, 100%~~] to the class B and C road account.

(5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is supplemental to the money appropriated under Section [~~27-12-127~~] 72-2-107 but shall be expended in the same manner as other class B and C road funds.

Section 354. **Repealer.**

This act repeals:

Section **2-2-15, Short title.**

Section **2-3-11, Short title.**

Section **2-4-15, Short title.**

Section **27-12-7, General duties of the department.**

Section **27-12-9, Department may sue and be sued.**

Section **27-12-25, Control of highways, roads, paths and ways not otherwise designated.**

Section **27-12-86, Jurisdiction and control of department over interstate highways in cities and towns.**

Section **27-12-87, Authority of department to widen or improve streets.**

Section **27-12-102.1, Vacation, narrowing or change of name of county road -- Petition by property owner.**

Section **27-12-102.2, Vacation, narrowing or change of name of county road -- Action by county legislative body without petition.**

Section **27-12-102.3, Vacation -- Notice -- Exception.**

Section **27-12-102.4, Vacation -- Publication or posting and mailing of notice.**

Section **27-12-102.5, Vacation or narrowing of county road -- Effect of action of county legislative body.**

Section **27-12-109.2, Interests in land acquired for preservation of scenic beauty.**

Section **27-12-109.3, Powers of department over property acquired for scenic beauty -- Agreements for maintenance.**

Section **27-12-111, Authority to provide and maintain limited-access facilities -- Powers of highway authorities.**

Section **27-12-112, Determination of design.**

Section **27-12-113, Acquisition of property and property rights.**

Section **27-12-114, Designation and establishment of new or existing highways as limited-access facilities -- Elimination of intersections -- Right to open into or connect with**

facility restricted.

Section 27-12-115, **Agreements with political subdivisions and with federal government.**

Section 27-12-116, **Local service roads and streets.**

Section 27-12-118, **Agreements between boards and commissions and United States.**

Section 27-12-119, **Preference in use by livestock -- Restrictions.**

Section 27-12-120, **Unlawful to use public highway if livestock highway available --**

Penalty for violation.

Section 27-12-124, **Roads within national forests -- Use of county funds in cooperation with federal government.**

Section 27-12-136.1, **"Utah Outdoor Advertising Act" -- Short title.**

Section 27-12-137, **Dump grounds, junk, or salvage yards adjacent to highways --**

Regulation authorized -- Definitions.

Section 27-12-137.1, **Junkyard Control Act -- Short title.**

Section 27-14-2, **Purpose.**

Section 27-15-1, **Definitions.**

Section 27-15-2, **Designation of class D roads.**

Section 27-16-101, **Title.**

Section 27-17-703, **Department of Transportation powers and duties.**

Section 27-18-101, **Title.**

Section 63-49-2, **Definition of terms.**

Section 63-49-17, **Redesignation of fund.**

Section 355. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.