

1 **TRANSPORTATION CODE RECODIFICATION**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Marda Dillree**

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

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

10 AMENDS:

11 **10-7-20**, as last amended by Chapter 84, Laws of Utah 1997

12 **10-9-404**, as last amended by Chapter 171, Laws of Utah 1997

13 **11-14-17.5**, as last amended by Chapter 91, Laws of Utah 1985

14 **17-27-404**, as last amended by Chapter 171, Laws of Utah 1997

15 **17A-3-208**, as renumbered and amended by Chapter 186, Laws of Utah 1990

16 **31A-22-1300**, as enacted by Chapter 242, Laws of Utah 1985

17 **31A-22-1302**, as last amended by Chapter 10, Laws of Utah 1997

18 **31A-22-1303**, as last amended by Chapter 170, Laws of Utah 1996

19 **32A-9-106**, as last amended by Chapter 170, Laws of Utah 1996

20 **41-1a-109**, as last amended by Chapter 170, Laws of Utah 1996

21 **41-1a-110**, as last amended by Chapter 170, Laws of Utah 1996

22 **41-1a-1101**, as last amended by Chapters 59 and 170, Laws of Utah 1996

23 **41-1a-1201**, as last amended by Chapters 262 and 384, Laws of Utah 1997

24 **41-6-17**, as last amended by Chapter 138, Laws of Utah 1987

25 **41-6-44.30**, as last amended by Chapters 170 and 223, Laws of Utah 1996

26 **41-6-48**, as last amended by Chapter 49, Laws of Utah 1996

27 **41-6-102**, as last amended by Chapter 170, Laws of Utah 1996

- 1 **41-6-114**, as last amended by Chapter 241, Laws of Utah 1979
- 2 **41-6-148.20**, as last amended by Chapter 287, Laws of Utah 1997
- 3 **53-3-402**, as last amended by Chapter 7, Laws of Utah 1994
- 4 **59-12-102**, as last amended by Chapters 209, 299 and 344, Laws of Utah 1997
- 5 **59-12-103**, as last amended by Chapters 261 and 272, Laws of Utah 1997
- 6 **59-12-1201**, as enacted by Chapter 257, Laws of Utah 1997
- 7 **59-15-106**, as last amended by Chapter 170, Laws of Utah 1996
- 8 **63-38c-103**, as last amended by Chapter 3, Laws of Utah 1997
- 9 **63-55-263**, as last amended by Chapters 15, 98, 134 and 393, Laws of Utah 1997
- 10 **63-56-13**, as last amended by Chapter 120, Laws of Utah 1994
- 11 **63-65-2**, as last amended by Chapter 244, Laws of Utah 1997
- 12 **77-1a-4**, as last amended by Chapter 315, Laws of Utah 1997
- 13 **77-7-18**, as last amended by Chapter 350, Laws of Utah 1997
- 14 **78-3-14.5**, as last amended by Chapter 198, Laws of Utah 1996
- 15 **78-5-116**, as last amended by Chapters 138 and 268, Laws of Utah 1991

16 ENACTS:

- 17 **72-2-101**, Utah Code Annotated 1953
- 18 **72-2-102**, Utah Code Annotated 1953
- 19 **72-3-101**, Utah Code Annotated 1953
- 20 **72-3-108**, Utah Code Annotated 1953
- 21 **72-4-101**, Utah Code Annotated 1953
- 22 **72-5-101**, Utah Code Annotated 1953
- 23 **72-6-101**, Utah Code Annotated 1953
- 24 **72-6-117**, Utah Code Annotated 1953
- 25 **72-7-101**, Utah Code Annotated 1953
- 26 **72-11-101**, Utah Code Annotated 1953
- 27 **72-11-102**, Utah Code Annotated 1953
- 28 **72-12-101**, Utah Code Annotated 1953

29 RENUMBERS AND AMENDS:

- 30 **72-1-101**, (Renumbered from 63-49-1, as enacted by Chapter 204, Laws of Utah 1975)
- 31 **72-1-102**, (Renumbered from 27-12-2, as last amended by Chapter 170, Laws of Utah 1996)

- 1 **72-1-201**, (Renumbered from 63-49-4, as last amended by Chapter 120, Laws of Utah 1994)
- 2 **72-1-202**, (Renumbered from 63-49-5, as last amended by Chapter 120, Laws of Utah 1994)
- 3 **72-1-203**, (Renumbered from 63-49-6, as last amended by Chapter 120, Laws of Utah 1994)
- 4 **72-1-204**, (Renumbered from 63-49-7, as last amended by Chapter 170, Laws of Utah 1996)
- 5 **72-1-205**, (Renumbered from 63-49-9, as last amended by Chapter 120, Laws of Utah 1994)
- 6 **72-1-206**, (Renumbered from 63-49-21, as enacted by Chapter 98, Laws of Utah 1995)
- 7 **72-1-207**, (Renumbered from 27-12-13, as last amended by Chapter 137, Laws of Utah 1991)
- 8 **72-1-208**, (Renumbered from 27-12-14, as last amended by Chapter 137, Laws of Utah 1991)
- 9 **72-1-209**, (Renumbered from 27-12-16, as last amended by Chapter 137, Laws of Utah 1991)
- 10 **72-1-210**, (Renumbered from 27-12-20, as last amended by Chapter 137, Laws of Utah 1991)
- 11 **72-1-301**, (Renumbered from 63-49-10, as last amended by Chapters 68 and 243, Laws of Utah
- 12 1996)
- 13 **72-1-302**, (Renumbered from 63-49-11, as enacted by Chapter 204, Laws of Utah 1975)
- 14 **72-1-303**, (Renumbered from 63-49-12, as last amended by Chapter 120, Laws of Utah 1994)
- 15 **72-2-103**, (Renumbered from 63-49-19, as last amended by Chapters 78 and 170, Laws of Utah
- 16 1996)
- 17 **72-2-104**, (Renumbered from 63-49-15, as last amended by Chapter 117, Laws of Utah 1977)
- 18 **72-2-105**, (Renumbered from 27-12-126, as last amended by Chapter 117, Laws of Utah 1977)
- 19 **72-2-106**, (Renumbered from 27-12-128, as enacted by Chapter 135, Laws of Utah 1981)
- 20 **72-2-107**, (Renumbered from 27-12-127, as last amended by Chapter 137, Laws of Utah 1991)
- 21 **72-2-108**, (Renumbered from 27-12-129, as last amended by Chapter 260, Laws of Utah 1997)
- 22 **72-2-109**, (Renumbered from 27-12-130, as last amended by Chapter 120, Laws of Utah 1994)
- 23 **72-2-110**, (Renumbered from 27-12-131, as enacted by Chapter 39, Laws of Utah 1963)
- 24 **72-2-111**, (Renumbered from 27-12-121, as last amended by Chapter 120, Laws of Utah 1994)
- 25 **72-2-112**, (Renumbered from 63-49-16, as last amended by Chapter 117, Laws of Utah 1977)
- 26 **72-2-113**, (Renumbered from 63-49-23, as enacted by Chapter 236, Laws of Utah 1997)
- 27 **72-2-114**, (Renumbered from 63-49-25, as enacted by Chapter 270, Laws of Utah 1997)
- 28 **72-2-115**, (Renumbered from 63-49-18, as enacted by Chapter 271, Laws of Utah 1977)
- 29 **72-2-116**, (Renumbered from 27-12-132, as last amended by Chapter 227, Laws of Utah 1993)
- 30 **72-2-117**, (Renumbered from 27-12-103.6, as last amended by Chapter 257, Laws of Utah
- 31 1997)

- 1 **72-2-118**, (Renumbered from 63-49-22, as last amended by Chapters 261 and 262, Laws of
2 Utah 1997)
- 3 **72-2-119**, (Renumbered from 63-49-24, as enacted by Chapter 393, Laws of Utah 1997)
- 4 **72-2-120**, (Renumbered from 27-12-132.2, as enacted by Chapter 155, Laws of Utah 1997)
- 5 **72-2-201**, (Renumbered from 27-18-102, as enacted by Chapter 244, Laws of Utah 1997)
- 6 **72-2-202**, (Renumbered from 27-18-103, as enacted by Chapter 244, Laws of Utah 1997)
- 7 **72-2-203**, (Renumbered from 27-18-104, as enacted by Chapter 244, Laws of Utah 1997)
- 8 **72-2-204**, (Renumbered from 27-18-105, as enacted by Chapter 244, Laws of Utah 1997)
- 9 **72-2-205**, (Renumbered from 27-18-106, as enacted by Chapter 244, Laws of Utah 1997)
- 10 **72-2-206**, (Renumbered from 27-18-107, as enacted by Chapter 244, Laws of Utah 1997)
- 11 **72-3-102**, (Renumbered from 27-12-21, as last amended by Chapter 137, Laws of Utah 1991)
- 12 **72-3-103**, (Renumbered from 27-12-22, as last amended by Chapter 120, Laws of Utah 1994)
- 13 **72-3-104**, (Renumbered from 27-12-23, as last amended by Chapter 120, Laws of Utah 1994)
- 14 **72-3-105**, (Renumbered from 27-15-3, as last amended by Chapter 2, Laws of Utah 1978,
15 Second Special Session)
- 16 **72-3-106**, (Renumbered from 27-12-24, as last amended by Chapter 227, Laws of Utah 1993)
- 17 **72-3-107**, (Renumbered from 27-12-26, as last amended by Chapter 227, Laws of Utah 1993)
- 18 **72-3-109**, (Renumbered from 27-12-88, as last amended by Chapter 120, Laws of Utah 1994)
- 19 **72-3-110**, (Renumbered from 27-12-15, as last amended by Chapter 137, Laws of Utah 1991)
- 20 **72-3-111**, (Renumbered from 27-12-17, as last amended by Chapter 137, Laws of Utah 1991)
- 21 **72-3-112**, (Renumbered from 27-12-117, as last amended by Chapter 276, Laws of Utah 1997)
- 22 **72-3-201**, (Renumbered from 27-12-23.5, as enacted by Chapter 247, Laws of Utah 1993)
- 23 **72-3-202**, (Renumbered from 27-12-23.6, as enacted by Chapter 247, Laws of Utah 1993)
- 24 **72-3-203**, (Renumbered from 27-12-23.7, as enacted by Chapter 247, Laws of Utah 1993)
- 25 **72-3-204**, (Renumbered from 27-12-23.8, as last amended by Chapter 11, Laws of Utah 1994)
- 26 **72-3-205**, (Renumbered from 27-12-23.9, as last amended by Chapter 225, Laws of Utah 1997)
- 27 **72-3-206**, (Renumbered from 27-12-23.10, as last amended by Chapter 225, Laws of Utah
28 1997)
- 29 **72-3-207**, (Renumbered from 27-12-23.11, as enacted by Chapter 226, Laws of Utah 1996)
- 30 **72-4-102**, (Renumbered from 27-12-27, as last amended by Chapter 20, Laws of Utah 1995)
- 31 **72-4-103**, (Renumbered from 27-12-28, as last amended by Chapter 120, Laws of Utah 1994)

- 1 **72-4-104**, (Renumbered from 27-12-29, as last amended by Chapter 120, Laws of Utah 1994)
- 2 **72-4-105**, (Renumbered from 27-12-30, as last amended by Chapter 137, Laws of Utah 1991)
- 3 **72-4-106**, (Renumbered from 27-12-31.1, as last amended by Chapter 32, Laws of Utah 1996)
- 4 **72-4-107**, (Renumbered from 27-12-32.1, as last amended by Chapter 26, Laws of Utah 1992)
- 5 **72-4-108**, (Renumbered from 27-12-33.1, as last amended by Chapter 26, Laws of Utah 1992)
- 6 **72-4-109**, (Renumbered from 27-12-34.1, as last amended by Chapter 11, Laws of Utah 1994)
- 7 **72-4-110**, (Renumbered from 27-12-35.1, as last amended by Chapter 18, Laws of Utah 1988)
- 8 **72-4-111**, (Renumbered from 27-12-36.1, as last amended by Chapter 18, Laws of Utah 1995)
- 9 **72-4-112**, (Renumbered from 27-12-37.1, as last amended by Chapter 11, Laws of Utah 1994)
- 10 **72-4-113**, (Renumbered from 27-12-38.1, as last amended by Chapter 18, Laws of Utah 1995)
- 11 **72-4-114**, (Renumbered from 27-12-39.1, as last amended by Chapter 11, Laws of Utah 1994)
- 12 **72-4-115**, (Renumbered from 27-12-40.1, as last amended by Chapter 26, Laws of Utah 1992)
- 13 **72-4-116**, (Renumbered from 27-12-41.1, as last amended by Chapter 5, Laws of Utah 1997)
- 14 **72-4-117**, (Renumbered from 27-12-42.1, as last amended by Chapter 18, Laws of Utah 1995)
- 15 **72-4-118**, (Renumbered from 27-12-43.1, as last amended by Chapter 18, Laws of Utah 1995)
- 16 **72-4-119**, (Renumbered from 27-12-44.1, as last amended by Chapter 18, Laws of Utah 1995)
- 17 **72-4-120**, (Renumbered from 27-12-45.1, as last amended by Chapter 26, Laws of Utah 1992)
- 18 **72-4-121**, (Renumbered from 27-12-46.1, as last amended by Chapter 11, Laws of Utah 1994)
- 19 **72-4-122**, (Renumbered from 27-12-47.1, as last amended by Chapter 26, Laws of Utah 1992)
- 20 **72-4-123**, (Renumbered from 27-12-48.1, as last amended by Chapter 18, Laws of Utah 1995)
- 21 **72-4-124**, (Renumbered from 27-12-49.1, as last amended by Chapter 26, Laws of Utah 1992)
- 22 **72-4-125**, (Renumbered from 27-12-50.1, as last amended by Chapter 32, Laws of Utah 1996)
- 23 **72-4-126**, (Renumbered from 27-12-51.1, as last amended by Chapter 26, Laws of Utah 1992)
- 24 **72-4-127**, (Renumbered from 27-12-52.1, as last amended by Chapter 32, Laws of Utah 1996)
- 25 **72-4-128**, (Renumbered from 27-12-53.1, as last amended by Chapter 32, Laws of Utah 1996)
- 26 **72-4-129**, (Renumbered from 27-12-54.1, as last amended by Chapter 18, Laws of Utah 1995)
- 27 **72-4-130**, (Renumbered from 27-12-55.1, as last amended by Chapter 18, Laws of Utah 1995)
- 28 **72-4-131**, (Renumbered from 27-12-56.1, as last amended by Chapter 18, Laws of Utah 1995)
- 29 **72-4-132**, (Renumbered from 27-12-57.1, as last amended by Chapter 51, Laws of Utah 1986)
- 30 **72-4-133**, (Renumbered from 27-12-58.1, as last amended by Chapter 51, Laws of Utah 1986)
- 31 **72-4-134**, (Renumbered from 27-12-59.1, as last amended by Chapter 11, Laws of Utah 1994)

- 1 **72-4-135**, (Renumbered from 27-12-60.1, as last amended by Chapter 26, Laws of Utah 1992)
- 2 **72-4-136**, (Renumbered from 27-12-61.1, as last amended by Chapter 26, Laws of Utah 1992)
- 3 **72-4-137**, (Renumbered from 27-12-62.1, as last amended by Chapter 11, Laws of Utah 1994)
- 4 **72-4-201**, (Renumbered from 27-12-160, as last amended by Chapter 137, Laws of Utah 1991)
- 5 **72-4-202**, (Renumbered from 27-12-161, as last amended by Chapter 41, Laws of Utah 1997)
- 6 **72-4-203**, (Renumbered from 27-12-162, as enacted by Chapter 121, Laws of Utah 1997)
- 7 **72-5-102**, (Renumbered from 27-12-96, as last amended by Chapter 137, Laws of Utah 1991)
- 8 **72-5-103**, (Renumbered from 27-12-101, as last amended by Chapter 137, Laws of Utah 1991)
- 9 **72-5-104**, (Renumbered from 27-12-89, as enacted by Chapter 39, Laws of Utah 1963)
- 10 **72-5-105**, (Renumbered from 27-12-90, as enacted by Chapter 39, Laws of Utah 1963)
- 11 **72-5-106**, (Renumbered from 27-12-91, as enacted by Chapter 39, Laws of Utah 1963)
- 12 **72-5-107**, (Renumbered from 27-12-92, as last amended by Chapters 12 and 146, Laws of Utah
- 13 1994)
- 14 **72-5-108**, (Renumbered from 27-12-93, as enacted by Chapter 39, Laws of Utah 1963)
- 15 **72-5-109**, (Renumbered from 27-12-94, as last amended by Chapter 137, Laws of Utah 1991)
- 16 **72-5-110**, (Renumbered from 27-12-95, as last amended by Chapter 137, Laws of Utah 1991)
- 17 **72-5-111**, (Renumbered from 27-12-97, as last amended by Chapter 137, Laws of Utah 1991)
- 18 **72-5-112**, (Renumbered from 27-12-98, as last amended by Chapter 137, Laws of Utah 1991)
- 19 **72-5-113**, (Renumbered from 27-12-99, as last amended by Chapter 137, Laws of Utah 1991)
- 20 **72-5-114**, (Renumbered from 27-12-100, as last amended by Chapter 137, Laws of Utah 1991)
- 21 **72-5-115**, (Renumbered from 27-12-103, as last amended by Chapter 137, Laws of Utah 1991)
- 22 **72-5-201**, (Renumbered from 27-12-103.2, as enacted by Chapter 289, Laws of Utah 1992)
- 23 **72-5-202**, (Renumbered from 27-12-103.3, as last amended by Chapter 294, Laws of Utah
- 24 1994)
- 25 **72-5-203**, (Renumbered from 27-12-103.4, as last amended by Chapters 103 and 159, Laws of
- 26 Utah 1996)
- 27 **72-5-301**, (Renumbered from 27-16-102, as enacted by Chapter 6, Laws of Utah 1993, Second
- 28 Special Session)
- 29 **72-5-302**, (Renumbered from 27-16-103, as last amended by Chapter 120, Laws of Utah 1994)
- 30 **72-5-303**, (Renumbered from 27-16-104, as enacted by Chapter 6, Laws of Utah 1993, Second
- 31 Special Session)

- 1 **72-5-304**, (Renumbered from 27-16-105, as last amended by Chapter 20, Laws of Utah 1995)
- 2 **72-5-305**, (Renumbered from 27-16-106, as enacted by Chapter 6, Laws of Utah 1993, Second
- 3 Special Session)
- 4 **72-5-306**, (Renumbered from 27-16-107, as enacted by Chapter 6, Laws of Utah 1993, Second
- 5 Special Session)
- 6 **72-6-102**, (Renumbered from 27-12-104, as last amended by Chapter 137, Laws of Utah 1991)
- 7 **72-6-103**, (Renumbered from 27-12-105, as last amended by Chapter 137, Laws of Utah 1991)
- 8 **72-6-104**, (Renumbered from 27-12-106, as enacted by Chapter 39, Laws of Utah 1963)
- 9 **72-6-105**, (Renumbered from 27-12-107, as last amended by Chapter 137, Laws of Utah 1991)
- 10 **72-6-106**, (Renumbered from 27-12-107.5, as enacted by Chapter 263, Laws of Utah 1992)
- 11 **72-6-107**, (Renumbered from 27-12-108, as last amended by Chapter 137, Laws of Utah 1991)
- 12 **72-6-108**, (Renumbered from 27-12-108.1, as last amended by Chapter 227, Laws of Utah
- 13 1993)
- 14 **72-6-109**, (Renumbered from 27-12-108.2, as last amended by Chapter 80, Laws of Utah 1994)
- 15 **72-6-110**, (Renumbered from 27-12-108.3, as last amended by Chapter 80, Laws of Utah 1994)
- 16 **72-6-111**, (Renumbered from 27-12-109, as last amended by Chapter 246, Laws of Utah 1996)
- 17 **72-6-112**, (Renumbered from 27-12-109.5, as enacted by Chapter 43, Laws of Utah 1996)
- 18 **72-6-113**, (Renumbered from 27-12-109.1, as last amended by Chapter 137, Laws of Utah
- 19 1991)
- 20 **72-6-114**, (Renumbered from 27-12-110, as enacted by Chapter 39, Laws of Utah 1963)
- 21 **72-6-115**, (Renumbered from 63-49-8.5, as last amended by Chapter 243, Laws of Utah 1996)
- 22 **72-6-116**, (Renumbered from 27-12-11, as last amended by Chapter 120, Laws of Utah 1994)
- 23 **72-6-118**, (Renumbered from 27-12-132.1, as enacted by Chapter 155, Laws of Utah 1997)
- 24 **72-7-102**, (Renumbered from 27-12-133, as enacted by Chapter 39, Laws of Utah 1963)
- 25 **72-7-103**, (Renumbered from 27-12-134, as enacted by Chapter 39, Laws of Utah 1963)
- 26 **72-7-104**, (Renumbered from 27-12-135, as last amended by Chapter 300, Laws of Utah 1990)
- 27 **72-7-105**, (Renumbered from 27-12-138, as last amended by Chapter 137, Laws of Utah 1991)
- 28 **72-7-106**, (Renumbered from 27-12-138.5, as last amended by Chapter 227, Laws of Utah
- 29 1993)
- 30 **72-7-201**, (Renumbered from 27-12-137.2, as enacted by Chapter 52, Laws of Utah 1967)
- 31 **72-7-202**, (Renumbered from 27-12-137.3, as last amended by Chapter 120, Laws of Utah

- 1 1994)
- 2 **72-7-203**, (Renumbered from 27-12-137.4, as last amended by Chapter 137, Laws of Utah
- 3 1991)
- 4 **72-7-204**, (Renumbered from 27-12-137.5, as last amended by Chapter 137, Laws of Utah
- 5 1991)
- 6 **72-7-205**, (Renumbered from 27-12-137.6, as last amended by Chapter 120, Laws of Utah
- 7 1994)
- 8 **72-7-206**, (Renumbered from 27-12-137.7, as last amended by Chapter 137, Laws of Utah
- 9 1991)
- 10 **72-7-207**, (Renumbered from 27-12-137.9, as last amended by Chapter 137, Laws of Utah
- 11 1991)
- 12 **72-7-208**, (Renumbered from 27-12-137.10, as last amended by Chapter 137, Laws of Utah
- 13 1991)
- 14 **72-7-209**, (Renumbered from 27-12-137.11, as last amended by Chapter 120, Laws of Utah
- 15 1994)
- 16 **72-7-210**, (Renumbered from 27-12-137.12, as enacted by Chapter 52, Laws of Utah 1967)
- 17 **72-7-211**, (Renumbered from 27-12-137.13, as last amended by Chapter 120, Laws of Utah
- 18 1994)
- 19 **72-7-301**, (Renumbered from 27-12-144, as last amended by Chapter 38, Laws of Utah 1995)
- 20 **72-7-302**, (Renumbered from 27-12-143, as last amended by Chapter 120, Laws of Utah 1994)
- 21 **72-7-303**, (Renumbered from 27-12-141, as enacted by Chapter 39, Laws of Utah 1963)
- 22 **72-7-304**, (Renumbered from 27-12-142, as enacted by Chapter 39, Laws of Utah 1963)
- 23 **72-7-305**, (Renumbered from 27-12-139, as enacted by Chapter 39, Laws of Utah 1963)
- 24 **72-7-306**, (Renumbered from 27-12-140, as enacted by Chapter 39, Laws of Utah 1963)
- 25 **72-7-401**, (Renumbered from 27-12-148, as last amended by Chapter 38, Laws of Utah 1995)
- 26 **72-7-402**, (Renumbered from 27-12-149, as last amended by Chapter 195, Laws of Utah 1994)
- 27 **72-7-403**, (Renumbered from 27-12-150, as last amended by Chapter 88, Laws of Utah 1990)
- 28 **72-7-404**, (Renumbered from 27-12-151, as last amended by Chapter 57, Laws of Utah 1991)
- 29 **72-7-405**, (Renumbered from 27-12-153, as last amended by Chapter 7, Laws of Utah 1994)
- 30 **72-7-406**, (Renumbered from 27-12-154, as last amended by Chapter 38, Laws of Utah 1995)
- 31 **72-7-407**, (Renumbered from 27-12-148.5, as enacted by Chapter 38, Laws of Utah 1995)

- 1 **72-7-408**, (Renumbered from 27-12-145, as last amended by Chapter 88, Laws of Utah 1990)
- 2 **72-7-409**, (Renumbered from 27-12-146, as last amended by Chapter 50, Laws of Utah 1997)
- 3 **72-7-501**, (Renumbered from 27-12-136.2, as last amended by Chapter 263, Laws of Utah
- 4 1997)
- 5 **72-7-502**, (Renumbered from 27-12-136.3, as last amended by Chapter 263, Laws of Utah
- 6 1997)
- 7 **72-7-503**, (Renumbered from 27-12-136, as last amended by Chapter 227, Laws of Utah 1993)
- 8 **72-7-504**, (Renumbered from 27-12-136.4, as last amended by Chapter 120, Laws of Utah
- 9 1994)
- 10 **72-7-505**, (Renumbered from 27-12-136.5, as last amended by Chapter 263, Laws of Utah
- 11 1997)
- 12 **72-7-506**, (Renumbered from 27-12-136.6, as last amended by Chapter 263, Laws of Utah
- 13 1997)
- 14 **72-7-507**, (Renumbered from 27-12-136.7, as last amended by Chapter 263, Laws of Utah
- 15 1997)
- 16 **72-7-508**, (Renumbered from 27-12-136.9, as last amended by Chapter 263, Laws of Utah
- 17 1997)
- 18 **72-7-509**, (Renumbered from 27-12-136.10, as last amended by Chapter 263, Laws of Utah
- 19 1997)
- 20 **72-7-510**, (Renumbered from 27-12-136.11, as last amended by Chapter 263, Laws of Utah
- 21 1997)
- 22 **72-7-511**, (Renumbered from 27-12-136.12, as enacted by Chapter 51, Laws of Utah 1967)
- 23 **72-7-512**, (Renumbered from 27-12-136.13, as enacted by Chapter 51, Laws of Utah 1967)
- 24 **72-7-513**, (Renumbered from 27-12-136.14, as enacted by Chapter 263, Laws of Utah 1997)
- 25 **72-7-514**, (Renumbered from 27-12-136.15, as enacted by Chapter 263, Laws of Utah 1997)
- 26 **72-7-515**, (Renumbered from 27-12-136.16, as enacted by Chapter 263, Laws of Utah 1997)
- 27 **72-8-101**, (Renumbered from 27-14-1, as enacted by Chapter 3, Laws of Utah 1975, First
- 28 Special Session)
- 29 **72-8-102**, (Renumbered from 27-14-3, as enacted by Chapter 3, Laws of Utah 1975, First
- 30 Special Session)
- 31 **72-8-103**, (Renumbered from 27-14-4, as enacted by Chapter 3, Laws of Utah 1975, First

- 1 Special Session)
- 2 **72-8-104**, (Renumbered from 27-14-5, as last amended by Chapter 227, Laws of Utah 1993)
- 3 **72-8-105**, (Renumbered from 27-14-6, as enacted by Chapter 3, Laws of Utah 1975, First
- 4 Special Session)
- 5 **72-8-106**, (Renumbered from 27-14-7, as last amended by Chapter 227, Laws of Utah 1993)
- 6 **72-8-107**, (Renumbered from 27-14-8, as enacted by Chapter 3, Laws of Utah 1975, First
- 7 Special Session)
- 8 **72-9-101**, (Renumbered from 27-17-101, as enacted by Chapter 170, Laws of Utah 1996)
- 9 **72-9-102**, (Renumbered from 27-17-102, as enacted by Chapter 170, Laws of Utah 1996)
- 10 **72-9-103**, (Renumbered from 27-17-103, as enacted by Chapter 170, Laws of Utah 1996)
- 11 **72-9-104**, (Renumbered from 27-17-104, as enacted by Chapter 170, Laws of Utah 1996)
- 12 **72-9-105**, (Renumbered from 27-17-405, as last amended by Chapter 250, Laws of Utah 1997)
- 13 **72-9-106**, (Renumbered from 63-49-20, as last amended by Chapters 173 and 316, Laws of
- 14 Utah 1995)
- 15 **72-9-201**, (Renumbered from 27-17-201, as renumbered and amended by Chapter 170 and last
- 16 amended by Chapters 194 and 243, Laws of Utah 1996)
- 17 **72-9-301**, (Renumbered from 27-17-301, as last amended by Chapter 10, Laws of Utah 1997)
- 18 **72-9-302**, (Renumbered from 27-17-302, as enacted by Chapter 170, Laws of Utah 1996)
- 19 **72-9-303**, (Renumbered from 27-17-303, as enacted by Chapter 170, Laws of Utah 1996)
- 20 **72-9-401**, (Renumbered from 27-17-401, as renumbered and amended by Chapter 170, Laws
- 21 of Utah 1996)
- 22 **72-9-402**, (Renumbered from 27-17-402, as renumbered and amended by Chapter 170, Laws
- 23 of Utah 1996)
- 24 **72-9-403**, (Renumbered from 27-17-403, as last amended by Chapter 10, Laws of Utah 1997)
- 25 **72-9-404**, (Renumbered from 27-17-404, as renumbered and amended by Chapter 170, Laws
- 26 of Utah 1996)
- 27 **72-9-501**, (Renumbered from 27-17-501, as last amended by Chapter 79 and renumbered and
- 28 amended by Chapter 170, Laws of Utah 1996)
- 29 **72-9-502**, (Renumbered from 27-17-502, as last amended by Chapter 79 and renumbered and
- 30 amended by Chapter 170, Laws of Utah 1996)
- 31 **72-9-503**, (Renumbered from 27-17-503, as renumbered and amended by Chapter 170, Laws

- 1 of Utah 1996)
- 2 **72-9-601**, (Renumbered from 27-17-601, as renumbered and amended by Chapter 170, Laws
- 3 of Utah 1996)
- 4 **72-9-602**, (Renumbered from 27-17-602, as renumbered and amended by Chapter 170, Laws
- 5 of Utah 1996)
- 6 **72-9-603**, (Renumbered from 27-17-603, as renumbered and amended by Chapter 170, Laws
- 7 of Utah 1996)
- 8 **72-9-604**, (Renumbered from 27-17-604, as renumbered and amended by Chapter 170, Laws
- 9 of Utah 1996)
- 10 **72-9-605**, (Renumbered from 27-17-605, as renumbered and amended by Chapter 170, Laws
- 11 of Utah 1996)
- 12 **72-9-701**, (Renumbered from 27-17-701, as enacted by Chapter 170, Laws of Utah 1996)
- 13 **72-9-702**, (Renumbered from 27-17-702, as renumbered and amended by Chapter 170, Laws
- 14 of Utah 1996)
- 15 **72-9-703**, (Renumbered from 27-17-704, as renumbered and amended by Chapter 170, Laws
- 16 of Utah 1996)
- 17 **72-9-704**, (Renumbered from 27-17-705, as renumbered and amended by Chapter 170, Laws
- 18 of Utah 1996)
- 19 **72-9-705**, (Renumbered from 27-17-706, as enacted by Chapter 170, Laws of Utah 1996)
- 20 **72-9-706**, (Renumbered from 27-17-707, as enacted by Chapter 170, Laws of Utah 1996)
- 21 **72-10-101**, (Renumbered from 2-1-24, Utah Code Annotated 1953)
- 22 **72-10-102**, (Renumbered from 2-1-1, as last amended by Chapter 120, Laws of Utah 1994)
- 23 **72-10-103**, (Renumbered from 2-1-12, as last amended by Chapter 120, Laws of Utah 1994)
- 24 **72-10-104**, (Renumbered from 2-1-2, as last amended by Chapters 194 and 243, Laws of Utah
- 25 1996)
- 26 **72-10-105**, (Renumbered from 2-1-13, as last amended by Chapter 161, Laws of Utah 1987)
- 27 **72-10-106**, (Renumbered from 2-1-14, as last amended by Chapter 120, Laws of Utah 1994)
- 28 **72-10-107**, (Renumbered from 2-1-15, as last amended by Chapter 120, Laws of Utah 1994)
- 29 **72-10-108**, (Renumbered from 2-1-15.5, as last amended by Chapter 120, Laws of Utah 1994)
- 30 **72-10-109**, (Renumbered from 2-1-6, as last amended by Chapter 199, Laws of Utah 1969)
- 31 **72-10-110**, (Renumbered from 2-1-7, as last amended by Chapter 77, Laws of Utah 1986)

- 1 **72-10-111**, (Renumbered from 2-1-7.5, as last amended by Chapter 120, Laws of Utah 1994)
2 **72-10-112**, (Renumbered from 2-1-7.6, as last amended by Chapter 120, Laws of Utah 1994)
3 **72-10-113**, (Renumbered from 2-1-7.7, as last amended by Chapter 1, Laws of Utah 1992)
4 **72-10-114**, (Renumbered from 2-1-8, as last amended by Chapter 1, Laws of Utah 1983)
5 **72-10-115**, (Renumbered from 2-1-9, as last amended by Chapter 1, Laws of Utah 1983)
6 **72-10-116**, (Renumbered from 2-1-11, as last amended by Chapter 120, Laws of Utah 1994)
7 **72-10-117**, (Renumbered from 2-1-16, as last amended by Chapters 120 and 313, Laws of Utah
8 1994)
9 **72-10-118**, (Renumbered from 2-1-16.5, as last amended by Chapter 120, Laws of Utah 1994)
10 **72-10-119**, (Renumbered from 2-1-17, as last amended by Chapter 120, Laws of Utah 1994)
11 **72-10-120**, (Renumbered from 2-1-18, as last amended by Chapter 161, Laws of Utah 1987)
12 **72-10-121**, (Renumbered from 2-1-21, as last amended by Chapter 178, Laws of Utah 1986)
13 **72-10-122**, (Renumbered from 2-1-22, Utah Code Annotated 1953)
14 **72-10-123**, (Renumbered from 2-1-23, Utah Code Annotated 1953)
15 **72-10-124**, (Renumbered from 2-1-25, Utah Code Annotated 1953)
16 **72-10-125**, (Renumbered from 2-1-26, as last amended by Chapter 1, Laws of Utah 1983)
17 **72-10-126**, (Renumbered from 2-1-27, as last amended by Chapter 1, Laws of Utah 1983)
18 **72-10-127**, (Renumbered from 2-1-28, as last amended by Chapter 120, Laws of Utah 1994)
19 **72-10-128**, (Renumbered from 2-1-30, as last amended by Chapter 2, Laws of Utah 1953)
20 **72-10-129**, (Renumbered from 2-1-31, Utah Code Annotated 1953)
21 **72-10-130**, (Renumbered from 2-1-39, as last amended by Chapter 120, Laws of Utah 1994)
22 **72-10-131**, (Renumbered from 2-1-40, as last amended by Chapter 1, Laws of Utah 1983)
23 **72-10-132**, (Renumbered from 2-1-41, as enacted by Chapter 2, Laws of Utah 1971)
24 **72-10-201**, (Renumbered from 2-2-1, as last amended by Chapter 120, Laws of Utah 1994)
25 **72-10-202**, (Renumbered from 2-2-2, as last amended by Chapter 120, Laws of Utah 1994)
26 **72-10-203**, (Renumbered from 2-2-3, as last amended by Chapter 120, Laws of Utah 1994)
27 **72-10-204**, (Renumbered from 2-2-4, as last amended by Chapter 120, Laws of Utah 1994)
28 **72-10-205**, (Renumbered from 2-2-5, as last amended by Chapter 120, Laws of Utah 1994)
29 **72-10-206**, (Renumbered from 2-2-6, Utah Code Annotated 1953)
30 **72-10-207**, (Renumbered from 2-2-7, as last amended by Chapter 120, Laws of Utah 1994)
31 **72-10-208**, (Renumbered from 2-2-8, as last amended by Chapter 120, Laws of Utah 1994)

- 1 **72-10-209**, (Renumbered from 2-2-9, as last amended by Chapter 120, Laws of Utah 1994)
- 2 **72-10-210**, (Renumbered from 2-2-10, as last amended by Chapter 120, Laws of Utah 1994)
- 3 **72-10-211**, (Renumbered from 2-2-11, as last amended by Chapter 120, Laws of Utah 1994)
- 4 **72-10-212**, (Renumbered from 2-2-12, Utah Code Annotated 1953)
- 5 **72-10-213**, (Renumbered from 2-2-13, Utah Code Annotated 1953)
- 6 **72-10-214**, (Renumbered from 2-2-14, Utah Code Annotated 1953)
- 7 **72-10-301**, (Renumbered from 2-3-1, as last amended by Chapter 9, Laws of Utah 1975, First
- 8 Special Session)
- 9 **72-10-302**, (Renumbered from 2-3-2, as last amended by Chapter 1, Laws of Utah 1973)
- 10 **72-10-303**, (Renumbered from 2-3-3, as last amended by Chapter 120, Laws of Utah 1994)
- 11 **72-10-304**, (Renumbered from 2-3-5, as last amended by Chapter 120, Laws of Utah 1994)
- 12 **72-10-305**, (Renumbered from 2-3-6, Utah Code Annotated 1953)
- 13 **72-10-306**, (Renumbered from 2-3-7, Utah Code Annotated 1953)
- 14 **72-10-307**, (Renumbered from 2-3-8, Utah Code Annotated 1953)
- 15 **72-10-308**, (Renumbered from 2-3-9, Utah Code Annotated 1953)
- 16 **72-10-309**, (Renumbered from 2-3-10, Utah Code Annotated 1953)
- 17 **72-10-401**, (Renumbered from 2-4-1, Utah Code Annotated 1953)
- 18 **72-10-402**, (Renumbered from 2-4-2, Utah Code Annotated 1953)
- 19 **72-10-403**, (Renumbered from 2-4-3, Utah Code Annotated 1953)
- 20 **72-10-404**, (Renumbered from 2-4-4, Utah Code Annotated 1953)
- 21 **72-10-405**, (Renumbered from 2-4-5, Utah Code Annotated 1953)
- 22 **72-10-406**, (Renumbered from 2-4-6, Utah Code Annotated 1953)
- 23 **72-10-407**, (Renumbered from 2-4-7, Utah Code Annotated 1953)
- 24 **72-10-408**, (Renumbered from 2-4-8, Utah Code Annotated 1953)
- 25 **72-10-409**, (Renumbered from 2-4-9, Utah Code Annotated 1953)
- 26 **72-10-410**, (Renumbered from 2-4-10, Utah Code Annotated 1953)
- 27 **72-10-411**, (Renumbered from 2-4-11, Utah Code Annotated 1953)
- 28 **72-10-412**, (Renumbered from 2-4-12, Utah Code Annotated 1953)
- 29 **72-10-413**, (Renumbered from 2-4-13, Utah Code Annotated 1953)
- 30 **72-10-414**, (Renumbered from 2-4-16, as enacted by Chapter 231, Laws of Utah 1988)
- 31 **72-10-415**, (Renumbered from 2-4-14, Utah Code Annotated 1953)

- 1 **72-10-501**, (Renumbered from 2-6-101, as enacted by Chapter 84, Laws of Utah 1993)
- 2 **72-10-502**, (Renumbered from 2-6-102, as last amended by Chapter 79, Laws of Utah 1996)
- 3 **72-10-503**, (Renumbered from 2-6-103, as enacted by Chapter 84, Laws of Utah 1993)
- 4 **72-10-504**, (Renumbered from 2-6-104, as enacted by Chapter 84, Laws of Utah 1993)
- 5 **72-11-103**, (Renumbered from 63-11-22, as last amended by Chapter 9, Laws of Utah 1975,
- 6 First Special Session)
- 7 **72-11-104**, (Renumbered from 63-11-23, as last amended by Chapter 320, Laws of Utah 1983)
- 8 **72-11-105**, (Renumbered from 63-11-24, as last amended by Chapter 9, Laws of Utah 1975,
- 9 First Special Session)
- 10 **72-11-106**, (Renumbered from 63-11-25, as last amended by Chapter 320, Laws of Utah 1983)
- 11 **72-11-107**, (Renumbered from 63-11-26, as last amended by Chapter 320, Laws of Utah 1983)
- 12 **72-11-108**, (Renumbered from 63-11-27, as last amended by Chapter 9, Laws of Utah 1975,
- 13 First Special Session)
- 14 **72-11-109**, (Renumbered from 63-11-28, as last amended by Chapter 9, Laws of Utah 1975,
- 15 First Special Session)
- 16 **72-11-110**, (Renumbered from 63-11-29, as last amended by Chapter 61, Laws of Utah 1984)
- 17 **72-11-111**, (Renumbered from 63-11-30, as last amended by Chapter 320, Laws of Utah 1983)
- 18 **72-11-112**, (Renumbered from 63-11-31, as last amended by Chapter 9, Laws of Utah 1975,
- 19 First Special Session)
- 20 **72-11-113**, (Renumbered from 63-11-32, as last amended by Chapter 320, Laws of Utah 1983)
- 21 **72-12-102**, (Renumbered from 54-11-1, as last amended by Chapter 127, Laws of Utah 1991)
- 22 **72-12-103**, (Renumbered from 54-11-2, as last amended by Chapter 127, Laws of Utah 1991)
- 23 **72-12-104**, (Renumbered from 54-11-4, as last amended by Chapter 170, Laws of Utah 1996)
- 24 **72-12-105**, (Renumbered from 54-11-5, as last amended by Chapter 375, Laws of Utah 1997)
- 25 **72-12-106**, (Renumbered from 54-11-6, as enacted by Chapter 273, Laws of Utah 1981)
- 26 **72-12-107**, (Renumbered from 54-11-7, as last amended by Chapter 92, Laws of Utah 1987)
- 27 **72-12-108**, (Renumbered from 54-11-8, as enacted by Chapter 273, Laws of Utah 1981)
- 28 **72-12-109**, (Renumbered from 54-11-9, as enacted by Chapter 273, Laws of Utah 1981)
- 29 **72-12-110**, (Renumbered from 54-11-10, as last amended by Chapter 234, Laws of Utah 1993)
- 30 **REPEALS:**
- 31 **2-2-15**, Utah Code Annotated 1953

- 1 **2-3-11**, Utah Code Annotated 1953
- 2 **2-4-15**, Utah Code Annotated 1953
- 3 **27-12-7**, as last amended by Chapter 137, Laws of Utah 1991
- 4 **27-12-9**, as last amended by Chapter 137, Laws of Utah 1991
- 5 **27-12-25**, as last amended by Chapter 227, Laws of Utah 1993
- 6 **27-12-86**, as last amended by Chapter 137, Laws of Utah 1991
- 7 **27-12-87**, as last amended by Chapter 137, Laws of Utah 1991
- 8 **27-12-102.1**, as last amended by Chapter 227, Laws of Utah 1993
- 9 **27-12-102.2**, as last amended by Chapter 227, Laws of Utah 1993
- 10 **27-12-102.3**, as last amended by Chapter 227, Laws of Utah 1993
- 11 **27-12-102.4**, as last amended by Chapter 227, Laws of Utah 1993
- 12 **27-12-102.5**, as last amended by Chapter 227, Laws of Utah 1993
- 13 **27-12-109.2**, as last amended by Chapter 137, Laws of Utah 1991
- 14 **27-12-109.3**, as last amended by Chapter 137, Laws of Utah 1991
- 15 **27-12-111**, as enacted by Chapter 39, Laws of Utah 1963
- 16 **27-12-112**, as enacted by Chapter 39, Laws of Utah 1963
- 17 **27-12-113**, as enacted by Chapter 39, Laws of Utah 1963
- 18 **27-12-114**, as enacted by Chapter 39, Laws of Utah 1963
- 19 **27-12-115**, as enacted by Chapter 39, Laws of Utah 1963
- 20 **27-12-116**, as enacted by Chapter 39, Laws of Utah 1963
- 21 **27-12-118**, as enacted by Chapter 39, Laws of Utah 1963
- 22 **27-12-119**, as enacted by Chapter 39, Laws of Utah 1963
- 23 **27-12-120**, as enacted by Chapter 39, Laws of Utah 1963
- 24 **27-12-124**, as enacted by Chapter 39, Laws of Utah 1963
- 25 **27-12-136.1**, as enacted by Chapter 51, Laws of Utah 1967
- 26 **27-12-137**, as last amended by Chapter 120, Laws of Utah 1994
- 27 **27-12-137.1**, as enacted by Chapter 52, Laws of Utah 1967
- 28 **27-14-2**, as enacted by Chapter 3, Laws of Utah 1975, First Special Session
- 29 **27-15-1**, as enacted by Chapter 9, Laws of Utah 1978
- 30 **27-15-2**, as enacted by Chapter 9, Laws of Utah 1978
- 31 **27-16-101**, as enacted by Chapter 6, Laws of Utah 1993, Second Special Session

1 **27-17-703**, as renumbered and amended by Chapter 170, Laws of Utah 1996

2 **27-18-101**, as enacted by Chapter 244, Laws of Utah 1997

3 **63-49-2**, as last amended by Chapters 12 and 120, Laws of Utah 1994

4 **63-49-17**, as enacted by Chapter 271, Laws of Utah 1977

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

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

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

8 **-- Retainage escrow.**

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

11 (a) has bid in compliance with the invitation to bid and within the requirements of the
12 plans and specifications for a construction project;

13 (b) is the low bidder;

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

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

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

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

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

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

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

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

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

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

7 (3) (a) If any payment on a contract with a private person, firm, or corporation is retained
8 or withheld, it shall be placed in an interest-bearing account and the interest shall accrue for the
9 benefit of the contractor and subcontractors to be paid after the project is completed and accepted
10 by the board of commissioners or city council of the city, or the board of trustees of the town.

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

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

17 (b) Work excluded under this Subsection (4) shall comply with Section [~~27-12-108.1~~]
18 72-6-108 as applicable.

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

20 **10-9-404. Temporary regulations.**

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

24 (i) the legislative body makes a finding of compelling, countervailing public interest; or

25 (ii) the area is unzoned.

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

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

31 (2) The municipal legislative body shall establish a period of limited effect for the

1 ordinance not to exceed six months.

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

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

8 (i) may not exceed six months in duration;

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

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

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

15 **11-14-17.5. Revenue bonds payable out of excise tax revenues -- Class B and C road**
16 **funds.**

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

24 (2) Any resolution authorizing the issuance of bonds payable in whole or in part from the
25 proceeds of excise tax revenues may contain covenants with the holder or holders of the bonds as
26 to the excise tax revenues, the disposition of the excise tax revenues, the issuance of future bonds,
27 and other pertinent matters as may be deemed necessary by the governing body to assure the
28 marketability of those bonds, provided the covenants are not inconsistent with the provisions of
29 this chapter. Such resolution may also include provisions to insure the enforcement, collection,
30 and proper application of excise tax revenues as the governing body may think proper. The
31 proceeds of bonds payable in whole or in part from pledged class B or C road funds shall be used

1 to construct, repair, and maintain streets and roads in accordance with Sections [27-12-108.1]
2 72-6-108 and [27-12-108.3] 72-6-110 and to fund any reserves and costs incidental to the issuance
3 of the bonds. When any bonds payable from excise tax revenues have been issued, the resolution
4 or other enactment of the governing body imposing the excise tax and pursuant to which the tax
5 is being collected, the obligation of the governing body to continue to levy, collect, and allocate
6 the excise tax, and to apply the revenues derived therefrom in accordance with the provisions of
7 the authorizing resolution or other enactment, shall be irrevocable until the bonds have been paid
8 in full as to both principal and interest, and is not subject to amendment in any manner which
9 would impair the rights of the holders of those bonds or which would in any way jeopardize the
10 timely payment of principal or interest when due.

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

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

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

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

2 **17-27-404. Temporary regulations.**

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

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

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

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

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

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

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

20 (i) may not exceed six months in duration;

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

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

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

27 **17A-3-208. Contract required for improvement -- Bidding requirements --**
28 **Exceptions.**

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

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

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

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

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

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

26 (d) cancel the project;

27 (e) abandon or dissolve the improvement district; or

28 (f) perform the project work with the governing entity's work forces and be reimbursed
29 for this work out of the special assessments levied.

30 (3) A contract need not be let for any improvement or part of any improvement the cost
31 of which or the making of which is donated or contributed by any individual, corporation, the

1 county, a municipality, the state of Utah, the United States, or any political subdivision of the state
2 of Utah or of the United States. These donations or contributions may be accepted by the
3 governing entity, but no assessments shall be levied against the property in the district for the
4 amount of the donations or contributions.

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

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

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

17 **31A-22-1300. Aircraft liability insurance.**

18 Subsections [~~2-1-16.5~~] 72-10-117(5) and (6) apply to aircraft liability insurance.

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

20 **31A-22-1302. Insurance requirements for vehicles of unusual physical nature.**

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

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

24 **31A-22-1303. Liability insurance for motor carriers.**

25 Motor carrier safety regulations adopted under Section [~~27-17-103~~] 72-9-103 specify
26 liability insurance for motor carriers.

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

28 **32A-9-106. Operational restrictions.**

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

1 employees or management personnel:

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

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

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

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

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

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

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

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

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

27 **41-1a-109. Grounds for division refusing registration or certificate of title.**

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

30 (a) the application contains any false or fraudulent statement;

31 (b) the applicant has failed to furnish required information or reasonable additional

1 information requested by the division;

2 (c) the applicant is not entitled to the issuance of a certificate of title or registration of the
3 vehicle under this chapter;

4 (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that
5 the granting of registration or the issuance of a certificate of title would constitute a fraud against
6 the rightful owner or other person having a valid lien upon the vehicle;

7 (e) the registration of the vehicle is suspended or revoked for any reason provided in the
8 motor vehicle laws of this state; or

9 (f) the required fee has not been paid.

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

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

15 Section 11. Section **41-1a-110** is amended to read:

16 **41-1a-110. Authority of division to suspend or revoke registration, certificate of title,
17 license plate, or permit.**

18 (1) Except as provided in Subsections (2) and (3) the division may suspend or revoke a
19 registration, certificate of title, license plate, or permit if:

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

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

24 (c) a registered vehicle has been dismantled;

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

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

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

1 (g) the division receives notification by the Department of Transportation that the owner
2 has committed any offence under Title [27] 72, Chapter [17] 9, Motor Carrier Safety Act.

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

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

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

8 **41-1a-1101. Seizure -- Circumstances where permitted.**

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

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

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

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

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

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

17 (f) that is being operated on a highway:

18 (i) with registration that has been expired for more than three months;

19 (ii) having never been properly registered by the current owner; or

20 (iii) with registration that is suspended or revoked.

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

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

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

27 (a) by the Department of Public Safety under Subsection 41-6-102(4)(b); and

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

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

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

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

4 **41-1a-1201. Disposition of fees.**

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

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

9 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (7)(a), and (8) and Section
10 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs incurred in
11 issuing license plates under Part 4, License Plates and Registration Indicia.

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

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

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

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

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

24 (6) The following portions of the registration fees imposed under Section 41-1a-1206 for
25 each vehicle shall be deposited in the Centennial Highway Trust Fund created under Section
26 ~~[63-49-22]~~ 72-2-118:

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

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

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

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

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

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

4 **41-6-17. Regulatory powers of local authorities -- Traffic-control device affecting**
5 **state highway -- Necessity of erecting traffic-control devices.**

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

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

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

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

11 (d) designating particular highways or roadways for use by traffic moving in one direction
12 under Section 41-6-60;

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

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

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

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

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

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

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

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

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

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

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

29 (p) designating and regulating traffic on play streets;

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

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

2 (s) regulating persons propelling push carts;

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

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

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

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

8 (2) A local authority may not erect or maintain any official traffic-control device at any
9 location which requires the traffic on any state highway to stop before entering or crossing any
10 intersecting highway unless approval in writing has first been obtained from the Department of
11 Transportation.

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

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

16 **41-6-44.30. Seizure and impoundment of vehicles by peace officers -- Impound**
17 **requirements -- Removal of vehicle by owner.**

18 (1) (a) If a peace officer arrests or cites the operator of a vehicle for violating Section
19 41-6-44 or 41-6-44.10, or a local ordinance similar to Section 41-6-44 which complies with
20 Subsection 41-6-43(1), the officer shall:

21 (i) seize and impound the vehicle, except as provided under Subsection (2); and

22 (ii) remove and seize or cause to be removed or seized, the vehicle's license plates and
23 registration materials if the operator is a registered owner of the vehicle.

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

26 (i) by the department under Subsection 41-6-102(4)(b); and

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

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

31 (a) requests to remove the vehicle from the scene;

1 (b) presents to the officer a valid operator's license and sufficient identification to prove
2 ownership of the vehicle;

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

4 (d) would not, in the judgment of the officer, be in violation of Section 41-6-44 or
5 41-6-44.10, or a local ordinance similar to Section 41-6-44 which complies with Subsection
6 41-6-43 (1), if permitted to operate the vehicle, and if the vehicle itself is legally operable.

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

11 (b) The notice shall state:

12 (i) the operator's name;

13 (ii) a description of the vehicle;

14 (iii) its identification number, if any;

15 (iv) its license number;

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

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

18 (vii) the reason for impoundment; and

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

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

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

23 (b) give notice to the registered owner of the vehicle in the manner prescribed by Section
24 41-1a-114. The notice shall:

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

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

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

1 (iv) state if the license plates and registration materials were seized:
2 (A) how to get a temporary registration effective for only 29 days;
3 (B) basic information regarding how to obtain a prompt hearing before the Driver License
4 Division regarding the person's driver license suspension; and

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

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

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

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

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

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

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

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

19 (b) If the person successfully appeals the suspension of the driver's license under Section
20 53-3-223 or 53-3-224, then the person shall receive a new registration that shall expire on the same
21 date as the registration that was revoked for no additional fees.

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

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

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

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

2 **41-6-48. Speed limits established by counties and municipalities.**

3 (1) A county or municipality may determine the reasonable and safe speed limit for each
4 highway or section of highway under its jurisdiction as specified under Title [27] 72, Chapter [12]
5 3, Highway [Code] Jurisdiction and Classification. Each speed limit shall be established in
6 accordance with the provisions of Section 41-6-47.

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

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

12 **41-6-102. Peace officer authorized to move vehicle.**

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

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

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

21 (a) the vehicle has been reported stolen or taken without the consent of its owner;

22 (b) the person responsible for the vehicle is unable to provide for its custody or removal;

23 or

24 (c) the person operating the vehicle is arrested for an alleged offense for which the peace
25 officer is required by law to take the person arrested before a proper magistrate without
26 unnecessary delay.

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

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

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

31 (b) The department shall make rules in accordance with Title 63, Chapter 46a, Utah

1 Administrative Rulemaking Act, setting the performance standards for towing companies to be
2 used by the department.

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

4 **41-6-114. Destructive or injurious materials on highways, parks, recreation areas,**
5 **waterways or other public or private lands -- Throwing lighted material from moving vehicle**
6 **-- Enforcement officers -- Litter receptacles required.**

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

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

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

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

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

27 [(f)] (6) Any person transporting loose cargo by truck, trailer or other motor vehicle shall
28 secure such cargo in such a reasonable manner as will prevent the cargo from littering or spilling
29 on both public and private property or public roadways except as provided in Section [27-12-146]
30 72-7-409.

31 [(g)] (7) Any person in charge of a construction or demolition site shall take those steps

1 as are reasonably necessary to prevent the accumulation of litter at the construction or demolition
2 site.

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

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

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

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

18 **41-6-148.20. Child restraint device required -- Violation as infraction -- Dismissal**
19 **of charge -- Failure not admissible as to negligence.**

20 (1) As used in this section:

21 (a) "Motor vehicle" means a vehicle defined in Section 41-1a-102; except authorized
22 emergency vehicles defined in Sections 41-6-1 and 41-6-1.5, mopeds, campers, sleepers,
23 motorcycles, motor homes, school buses, taxicabs, vehicles owned, operated, or leased by a public
24 transit district, commercial vehicles as defined in Section [~~27-17-103~~] 72-9-102, or vehicles that
25 weigh over 10,000 pounds gross weight and are not equipped with seat belts by the manufacturer.

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

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

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

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

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

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

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

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

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

16 **53-3-402. Definitions.**

17 As used in this part:

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

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

21 (a) 100 milliliters of blood;

22 (b) 210 liters of breath; or

23 (c) 67 milliliters of urine.

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

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

30 (5) "Controlled substance" means any substance so classified under Section 102(6) of the
31 Controlled Substance Act, 21 U.S.C. 802(6), and includes all substances listed on the current

1 Schedules I through V of 21 C.F.R., Part 1308 as they may be revised from time to time.

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

3 (a) full-time, regularly employed drivers;

4 (b) casual, intermittent, or occasional drivers;

5 (c) leased drivers; and

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) improper or erratic traffic lane changes;

1 (d) following the vehicle ahead too closely;

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

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

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

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

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

10 **59-12-102. Definitions.**

11 As used in this chapter:

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

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

15 (2) "Authorized carrier" means:

16 (a) in the case of vehicles operated over public highways, the holder of credentials
17 indicating that the vehicle is or will be operated pursuant to both the International Registration
18 Plan (IRP) and the International Fuel Tax Agreement (IFTA);

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

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

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

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

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

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

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

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

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

3 (4) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other fuels
4 that does not constitute industrial use under Subsection (10) or residential use under Subsection
5 (17).

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

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

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

14 (6) "Component part" includes:

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

16 (b) baling ties and twine used in the baling of hay and straw;

17 (c) fuel used for providing temperature control of orchards and commercial greenhouses
18 doing a majority of their business in wholesale sales, and for providing power for off-highway type
19 farm machinery; and

20 (d) feed, seeds, and seedlings.

21 (7) "Construction materials" means any tangible personal property that will be converted
22 into real property.

23 (8) (a) "Fundraising sales" means sales:

24 (i) (A) made by a public or private elementary or secondary school; or

25 (B) made by a public or private elementary or secondary school student, grades
26 kindergarten through 12;

27 (ii) that are for the purpose of raising funds for the school to purchase equipment,
28 materials, or provide transportation; and

29 (iii) that are part of an officially sanctioned school activity.

30 (b) For purposes of Subsection (8)(a)(iii), "officially sanctioned school activity" means
31 a school activity:

1 (i) that is conducted in accordance with a formal policy adopted by the school or school
2 district governing the authorization and supervision of fundraising activities;

3 (ii) that does not directly or indirectly compensate an individual teacher or other
4 educational personnel by direct payment, commissions, or payment in kind; and

5 (iii) the net or gross revenues from which are deposited in a dedicated account controlled
6 by the school or school district.

7 (9) (a) "Home medical equipment and supplies" means equipment and supplies that:

8 (i) a licensed physician prescribes or authorizes in writing as necessary for the treatment
9 of a medical illness or injury or as necessary to mitigate an impairment resulting from illness or
10 injury;

11 (ii) are used exclusively by the person for whom they are prescribed to serve a medical
12 purpose; and

13 (iii) are listed as eligible for payment under Title 18 of the federal Social Security Act or
14 under the state plan for medical assistance under Title 19 of the federal Social Security Act.

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

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

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

20 (iii) hearing aids or hearing aid accessories.

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

22 (i) a clinic;

23 (ii) a doctor's office; and

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

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

27 (a) mining or extraction of minerals;

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

30 (i) commercial greenhouses;

31 (ii) irrigation pumps;

1 (iii) farm machinery;
2 (iv) implements of husbandry as defined in Subsection 41-1a-102(23) that are not
3 registered under Title 41, Chapter 1a, Part 2, Registration; and
4 (v) other farming activities; and
5 (c) manufacturing tangible personal property at an establishment described in SIC Codes
6 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal Executive Office
7 of the President, Office of Management and Budget.

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

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

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

14 (b) a scrap recycler if:

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

17 (A) iron;

18 (B) steel;

19 (C) nonferrous metal;

20 (D) paper;

21 (E) glass;

22 (F) plastic;

23 (G) textile; or

24 (H) rubber; and

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

27 (13) (a) "Medicine" means:

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

31 (ii) any medicine dispensed to patients in a county or other licensed hospital if prescribed

1 for that patient and dispensed by a registered pharmacist or administered under the direction of a
2 physician; and

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

5 (b) "Medicine" does not include:

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

7 (ii) any alcoholic beverage.

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

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

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

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

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

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

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

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

31 (i) the transaction is intended as a form of financing for the property to the

1 purchaser-lessee; and

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

5 (19) (a) "Retailer" means any person engaged in a regularly organized retail business in
6 tangible personal property or any other taxable item or service under Subsection 59-12-103(1), and
7 who is selling to the user or consumer and not for resale.

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

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

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

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

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

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

31 (20) "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in

1 any manner, of tangible personal property or any other taxable item or service under Subsection
2 59-12-103(1), for a consideration. It includes:

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

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

- 14 (i) the sale of textbooks, textbook fees, laboratory fees, laboratory supplies, and safety
15 equipment;
 - 16 (ii) the sale of clothing that:
 - 17 (A) a student is specifically required to wear as a condition of participation in a
18 school-related event or activity; and
 - 19 (B) is not readily adaptable to general or continued usage to the extent that it takes the
20 place of ordinary clothing;
 - 21 (iii) sales of food if the net or gross revenues generated by the food sales are deposited into
22 a school district fund or school fund dedicated to school meals; and
 - 23 (iv) transportation charges for official school activities.
- 24 (b) "Sales relating to schools" does not include:
- 25 (i) gate receipts;
 - 26 (ii) special event admission fees;
 - 27 (iii) bookstore sales of items that are not educational materials or supplies; and
 - 28 (iv) except as provided in Subsection(21)(a)(ii), clothing.

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

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

1 in the regular course of business.

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

3 (i) all goods, wares, merchandise, produce, and commodities;

4 (ii) all tangible or corporeal things and substances which are dealt in or capable of being
5 possessed or exchanged;

6 (iii) water in bottles, tanks, or other containers; and

7 (iv) all other physically existing articles or things, including property severed from real
8 estate.

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

10 (i) real estate or any interest or improvements in real estate;

11 (ii) bank accounts, stocks, bonds, mortgages, notes, and other evidence of debt;

12 (iii) insurance certificates or policies;

13 (iv) personal or governmental licenses;

14 (v) water in pipes, conduits, ditches, or reservoirs;

15 (vi) currency and coinage constituting legal tender of the United States or of a foreign
16 nation; and

17 (vii) all gold, silver, or platinum ingots, bars, medallions, or decorative coins, not
18 constituting legal tender of any nation, with a gold, silver, or platinum content of not less than
19 80%.

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

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

25 (26) "Vehicle" means any aircraft, as defined in Section ~~[2-1-1]~~ 72-10-101; any vehicle,
26 as defined in Section 41-1a-102; any off-highway vehicle, as defined in Section 41-22-2; and any
27 vessel, as defined in Section 41-1a-102; that is required to be titled, registered, or both. "Vehicle"
28 for purposes of Subsection 59-12-104(37) only, also includes any locomotive, freight car, railroad
29 work equipment, or other railroad rolling stock.

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

1 (28) (a) "Vendor" means:

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

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

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

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

11 **59-12-103. Sales and use tax base -- Rate -- Use of sales and use tax revenues.**

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

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

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

16 (i) all transportation;

17 (ii) intrastate telephone service; or

18 (iii) telegraph service;

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

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

21 (e) meals sold;

22 (f) (i) admission or user fees for theaters, movies, operas, museums, planetariums, shows

23 of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides,
24 circuses, menageries, fairs, races, contests, sporting events, dances, boxing and wrestling matches,
25 closed circuit television broadcasts, billiard or pool parlors, bowling lanes, golf and miniature golf,
26 golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
27 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
28 horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition,
29 cultural, or athletic activity;

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

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

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

5 (i) tourist home, hotel, motel, or trailer court accommodations and services for less than
6 30 consecutive days;

7 (j) laundry and dry cleaning services;

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

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

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

13 (a) 5% through June 30, 1994;

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

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

16 (3) The rates of the tax levied under Subsection (1)(d) shall be 2% from and after January
17 1, 1990.

18 (4) (a) From January 1, 1990, through December 31, 1999, there shall be deposited in an
19 Olympics special revenue fund or funds as determined by the Division of Finance under Section
20 51-5-4, for the use of the Utah Sports Authority created under Title 63A, Chapter 7, Utah Sports
21 Authority Act:

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

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

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

27 (b) These funds shall be used:

28 (i) by the Utah Sports Authority as follows:

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

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

4 (C) the Utah Sports Authority may not expend, loan, or pledge in the aggregate more than
5 \$59,000,000 of sales and use tax deposited into the Olympics special revenue fund under
6 Subsection (4)(a) unless the Legislature appropriates additional funds from the Olympics special
7 revenue fund to the Utah Sports Authority; or

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

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

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

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

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

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

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

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

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

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

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

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

1 (h).

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

4 (c) Fifty percent of the remaining amount generated by 50% of the 1/8% tax rate shall be
5 transferred to the Water Resources Conservation and Development Fund created in Section
6 73-10-24 for use by the Division of Water Resources. In addition to the uses allowed of the fund
7 under Section 73-10-24, the fund may also be used to:

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

11 (ii) conduct hydrologic and geotechnical investigations by the Department of Natural
12 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
13 quantifying surface and ground water resources and describing the hydrologic systems of an area
14 in sufficient detail so as to enable local and state resource managers to plan for and accommodate
15 growth in water use without jeopardizing the resource;

16 (iii) fund state required dam safety improvements; and

17 (iv) protect the state's interest in interstate water compact allocations, including the hiring
18 of technical and legal staff.

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

22 (e) Twenty-five percent of the remaining amount generated by 50% of the 1/8% tax rate
23 shall be transferred to the Drinking Water Loan Program subaccount created in Section 73-10c-5
24 for use by the Division of Drinking Water to:

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

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

28 (iii) develop surface water sources.

29 (f) Notwithstanding Subsections (5)(b), (c), (d), and (e), \$100,000 of the remaining amount
30 generated by 50% of the 1/8% tax rate each year shall be transferred as dedicated credits to the
31 Division of Water Rights to cover the costs incurred in hiring legal and other technical staff for

1 the adjudication of water rights. Any remaining balance at the end of each fiscal year shall lapse
2 back to the contributing funds on a prorated basis.

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

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

13 (ii) At least 50% of the money transferred to the Transportation Corridor Preservation
14 Revolving Loan Fund under Subsection (5)(h)(i) shall be used to fund loan applications made by
15 the Department of Transportation at the request of local governments.

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

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

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

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

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

26 **59-12-1201. Motor vehicle rental tax -- Rate -- Exemptions -- Collection -- Deposits.**

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

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

31 (2) A motor vehicle is exempt from the tax imposed under Subsection (1) if:

- 1 (a) the motor vehicle is registered for a gross laden weight of 12,001 or more pounds;
- 2 (b) the motor vehicle is rented as a personal household goods moving van; or
- 3 (c) the lease or rental of the motor vehicle is made for the purpose of temporarily replacing
- 4 a person's motor vehicle that is being repaired pursuant to a repair agreement or an insurance
- 5 agreement.

6 (3) (a) The commission shall administer, collect, and enforce the tax authorized under this
 7 section pursuant to the same procedures used in the administration, collection, and enforcement
 8 of the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, and Title 59, Chapter
 9 1, General Taxation Policies.

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

12 (c) Except as provided under Subsection (3)(b), all revenue received by the State Tax
 13 Commission under this section shall be deposited daily with the state treasurer and credited
 14 monthly to the Transportation Corridor Preservation Revolving Loan Fund under Section
 15 [~~27-12-103.6~~] 72-2-117.

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

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

19 **59-15-106. Reports by motor carriers and brewers, wholesalers, and distributors**
 20 **outside the state.**

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

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

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

29 **63-38c-103. Definitions.**

30 As used in this chapter:

31 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations

1 from unrestricted General Fund, Uniform School Fund, and Transportation Fund sources as
2 presented in the governor's executive budgets.

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

5 (c) "Appropriations" does not mean:

6 (i) debt service expenditures;

7 (ii) emergency expenditures;

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

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

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

14 (vi) appropriations made to the Centennial Highway Trust Fund created by Section
15 [~~63-49-22~~] 72-2-118.

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

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

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

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

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

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

29 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital
30 and operations appropriations from general, uniform school, and transportation fund sources, less
31 debt monies, less \$55 million appropriated for flooding, and less \$14.2 million appropriated for

1 capital projects in Section 3, Chapter 265, Laws of Utah 1985.

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

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

7 (b) "Maximum allowable appropriations limit" does not mean actual appropriations spent
8 or actual expenditures.

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

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

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

18 (12) "Personal income" means the total personal income of the state as calculated by the
19 Office of Planning and Budget according to the procedures and requirements of Section
20 63-38c-202.

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

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

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

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

1 **63-55-263. Repeal dates, Titles 63, 63A, and 63C.**

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

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

6 (b) Title 63, Chapter 25a, Part 3, Sentencing Commission, is repealed January 1, 2002.

7 (3) The Resource Development Coordinating Committee, created in Section 63-28a-2, is
8 repealed July 1, 2004.

9 (4) The Crime Victims' Reparations Board, created in Section 63-25a-404, is repealed July
10 1, 2007.

11 (5) Title 63, Chapter 75, Families, Agencies, and Communities Together for Children and
12 Youth At Risk Act, is repealed July 1, 2001.

13 (6) Title 63A, Chapter 7, Utah Sports Authority Act, is repealed July 1, 2003.

14 (7) Title 63A, Chapter 10, State Olympic Coordination Act, is repealed July 1, 2003.

15 (8) Title 63, Chapter 88, Navajo Trust Fund, is repealed July 1, 2000.

16 (9) The Utah Health Policy Commission, created in Title 63C, Chapter 3, is repealed July
17 1, 2001.

18 (10) The Utah Pioneer Sesquicentennial Celebration Coordinating Council created in
19 Section 63C-5-102 is repealed June 30, 1998.

20 (11) Section [~~63-49-24~~] 72-2-119, Growth Impact Highway Grants, is repealed July 1,
21 1999.

22 Section 27. Section **63-56-13** is amended to read:

23 **63-56-13. Specific statutory authority.**

24 (1) The authority to procure certain supplies, services, and construction given the public
25 procurement units governed by the following provisions shall be retained:

26 ~~[(a) Title 27, Chapter 12, Highway Code;]~~

27 ~~[(b)]~~ (a) Title 53B, State System of Higher Education;

28 ~~[(c)]~~ (b) Title 63A, Chapters 5 and 6;

29 ~~[(d)]~~ (c) Title 64, Chapter 1, General Provisions;

30 ~~[(e)]~~ (d) Title 67, Chapter 5, Attorney General; ~~[and]~~

31 (e) Title 72, Transportation; and

1 (f) Title 78, Chapter 3, District Courts.

2 (2) This authority extends only to supplies, services, and construction to the extent
3 provided in the cited chapters. Except as otherwise provided in Sections 63-56-2 and 63-56-3, the
4 respective purchasing agencies shall procure supplies, services, and construction in accordance
5 with this chapter.

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

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

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

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

11 **63-65-2. Definitions.**

12 As used in this chapter:

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

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

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

19 (4) "Revolving Loan Funds" means:

20 (a) the Water Resources Conservation and Development Fund, created in Section
21 73-10-24;

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

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

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

26 (e) the Water Development Security Account and its subaccounts created in Section
27 73-10c-5;

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

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

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

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

1 (j) the Transportation Infrastructure Loan Fund, created in Section [27-18-103] 72-2-202.
2 Section 29. Section **72-1-101**, which is renumbered from Section 63-49-1 is renumbered
3 and amended to read:

4 **TITLE 72. TRANSPORTATION**

5 **CHAPTER 1. DEPARTMENT OF TRANSPORTATION ADMINISTRATION**

6 **Part 1. General Provisions**

7 ~~[63-49-1]~~. **72-1-101. Title.**

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

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

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

13 ~~[27-12-2]~~. **72-1-102. Definitions.**

14 As used in this [chapter] title:

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

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

19 (3) "Department" means the Department of Transportation created in Section [63-49-4]
20 72-1-201.

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

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

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

27 ~~[(6)]~~ (7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
28 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the
29 public, or made public in an action for the partition of real property, including the entire area
30 within the right-of-way.

31 ~~[(7)]~~ (8) "Highway authority" means the department or the legislative, executive, or

1 governing body of a county[, city, or town] or municipality.

2 [(8)] (9) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

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

6 [(9)] (11) "Limited-access facility" means a highway especially designated for through
7 traffic, and over, from, or to which neither owners nor occupants of abutting lands nor other
8 persons have any right or easement, or have only a limited right or easement of access, light, air,
9 or view.

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

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

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

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

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

19 [(11)] (16) "Port-of-entry agent" means a person employed at a port-of-entry to perform
20 the duties specified in Section [27-17-501] 72-9-501.

21 [(12)] (17) "Right-of-way" means real property or an interest in real property, usually in
22 a strip, acquired for or devoted to a highway.

23 [(13)] (18) "Semitrailer" has the meaning set forth in Section 41-1a-102.

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

26 [(14)] (20) "State highway" means those highways designated as state highways in Title
27 [27] 72, Chapter [12] 4, [Article 4,] Designation of State Highways[, and under Section 27-12-27].

28 [(15)] (21) "State highway purposes" has the meaning set forth in Section [27-12-96]
29 72-5-102.

30 (22) "State transportation systems" means all streets, alleys, roads, highways, and
31 thoroughfares of any kind, including connected structures, airports, and all other modes and forms

1 of conveyance used by the public.

2 [(16)] (23) "Trailer" has the meaning set forth in Section 41-1a-102.

3 [(17)] (24) "Truck tractor" has the meaning set forth in Section 41-1a-102.

4 [(18)] (25) "UDOT" means the Utah Department of Transportation.

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

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

8 **Part 2. Department of Transportation**

9 **[63-49-4]. 72-1-201. Creation of Department of Transportation -- Functions,**
10 **powers, duties, rights, and responsibilities.**

11 There is created the Department of Transportation which shall:

12 (1) have the general responsibility for planning, research, design, construction,
13 maintenance, security, and safety of state transportation systems;

14 (2) provide administration for state transportation systems and programs;

15 (3) implement the transportation policies of the state;

16 (4) plan, develop, construct, and maintain state transportation systems that are safe,
17 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
18 industry;

19 (5) establish standards and procedures regarding the technical details of administration of
20 the state transportation systems as established by statute and administrative rule;

21 (6) advise the governor and the Legislature about state transportation systems needs; and

22 (7) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make
23 policy and rules for the administration of the department, state transportation systems, and
24 programs.

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

27 **[63-49-5]. 72-1-202. Executive director of department -- Appointment --**
28 **Qualifications -- Term -- Responsibility -- Power to bring suits -- Salary.**

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

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

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

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

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

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

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

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

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

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

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

20 **[63-49-6]. 72-1-203. Deputy director -- Appointment -- Qualifications -- Other**
21 **assistants and advisers -- Salaries.**

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

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

26 (a) program and project development; and

27 (b) operation and maintenance of the state transportation systems.

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

30 (4) In addition, the executive director may employ other assistants and advisers as the
31 executive director finds necessary and fix salaries in accordance with the salary standards adopted

1 by the Department of Human Resource Management.

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

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

5 ~~[63-49-7].~~ **72-1-204. Divisions enumerated -- Duties.**

6 The divisions of the department are:

7 (1) the Administrative Services Division responsible for:

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

10 (b) maintaining records;

11 (c) data processing;

12 (d) procuring administrative supplies and equipment; and

13 (e) risk management;

14 (2) the Comptroller Division responsible for:

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

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

19 (3) the Internal Audit Division responsible for:

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

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

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

26 (4) the Community Relations Division responsible for:

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

28 (b) responding to citizens' complaints and requests;

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

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

31 and

- 1 (e) preparing and distributing internal department communications;
- 2 (5) the Program Development Division responsible for:
- 3 (a) developing transportation plans for state transportation systems;
- 4 (b) collecting, processing, and storing transportation data to support department's
- 5 engineering functions;
- 6 (c) designating state transportation systems qualifications;
- 7 (d) developing a statewide transportation improvement program for approval by the
- 8 commission;
- 9 (e) providing cartographic services to the department; and
- 10 (f) assisting local governments in participating in federal-aid transportation programs;
- 11 (6) the Project Development Division responsible for:
- 12 (a) developing statewide standards for project design and construction;
- 13 (b) providing support for project development in the areas of design environment,
- 14 right-of-way, materials testing, structures, value engineering, and construction;
- 15 (c) designing specialty projects; and
- 16 (d) performing research into materials and methods for construction of state transportation
- 17 systems; and
- 18 (7) the Operations Division responsible for:
- 19 (a) maintaining the state transportation systems;
- 20 (b) state transportation systems safety;
- 21 (c) operating state ports-of-entry;
- 22 (d) operating state motor carrier safety programs in accordance with [~~Title 27, Highways~~
- 23 ~~;~~ this title and federal law;
- 24 (e) aeronautical operations; and
- 25 (f) providing equipment for department engineering and maintenance functions.

26 Section 35. Section **72-1-205**, which is renumbered from Section 63-49-9 is renumbered

27 and amended to read:

28 [~~63-49-9~~]. **72-1-205. Region offices -- Region directors -- Qualifications --**

29 **Responsibilities.**

- 30 (1) The department shall maintain region offices throughout the state as the executive
- 31 director finds reasonable and necessary for the efficient carrying out of the duties of the

1 department.

2 (2) The executive director shall appoint a region director for each region. Each region
3 director shall be a qualified executive with technical and administrative experience and training.

4 (3) The region director is responsible for:

5 (a) executing department policy within the region;

6 (b) supervising project development and operations of the state transportation systems
7 within the region; and

8 (c) promoting the department's public involvement and information programs.

9 (4) The executive director may also establish district offices within a region to implement
10 maintenance, encroachment, safety, community involvement, and loss management functions of
11 the region.

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

14 **[63-49-21]. 72-1-206. Performance auditors -- Appointment -- Duties -- Reports.**

15 (1) (a) The executive director, with the approval of a majority vote of the commission for
16 each appointment, shall appoint not less than two performance auditors. A performance auditor
17 may only be removed by the executive director with the approval of a majority vote of the
18 commission.

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

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

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

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

24 (b) The department may hire outside consultants to assist in the audits under Subsection
25 (3).

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

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

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

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

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

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

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

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

7 (h) any other executive director or commission requests.

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

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

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

14 **[27-12-13]. 72-1-207. Department may sue and be sued -- Legal adviser of**
15 **department.**

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

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

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

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

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

31 **[27-12-14]. 72-1-208. Cooperation with counties, cities, towns, the federal**

1 **government, and all state departments.**

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

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

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

10 **[27-12-16]. 72-1-209. Department to cooperate in programs relating to scenic**
11 **centers.**

12 The department shall cooperate in planning and promoting road-building programs into the
13 scenic centers of the state and in providing camping grounds and facilities in scenic centers for
14 tourists with:

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

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

24 **[27-12-20]. 72-1-210. Department to be assisted by faculties and personnel of**
25 **universities.**

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

30 Section 41. Section **72-1-301**, which is renumbered from Section 63-49-10 is renumbered
31 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

1 63A-3-107.

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

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

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

6 (5) Any four commissioners constitute a quorum.

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

8 (i) taking the constitutional oath of office; and

9 (ii) giving a surety bond.

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

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

14 **[63-49-11]. 72-1-302. Commission offices and meetings.**

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

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

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

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

25 **[63-49-12]. 72-1-303. Duties of commission.**

26 The commission has the following duties:

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

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

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

1 matters;

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

5 (5) in accordance with Section 63-46b-12, reviewing orders issued by the executive
6 director in adjudicative proceedings held in accordance with Title 63, Chapter 46b, Administrative
7 Procedures Act; and

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

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

10 **CHAPTER 2. TRANSPORTATION FINANCES**

11 **Part 1. Transportation Fund and Highway Finances**

12 **72-2-101. Title.**

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

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

15 **72-2-102. Transportation Fund.**

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

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

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

21 **[63-49-19]. 72-2-103. Limitations on Transportation Fund appropriations to**
22 **agencies not a part of the Department of Transportation -- Exceptions.**

23 (1) Except as provided under Subsections (2) and (3), the amount appropriated or
24 transferred from the Transportation Fund each year may not exceed a combined total of
25 \$10,600,000 to:

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

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

1 (1).

2 (3) The revenue generated by the uninsured motorist identification fee under Section
3 41-1a-1218 and by the motor carrier fee under Section 41-1a-1219 or Section [~~27-17-707~~]
4 ~~72-9-706~~ is exempt from the appropriation and transfer limitations of Subsection (1).

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

7 ~~[63-49-15]~~. **72-2-104. Budget.**

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

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

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

17 ~~[27-12-126]~~. **72-2-105. Budgetary accounts within Transportation Fund --**
18 **Disposition of unexpended balances.**

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

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

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

25 ~~[27-12-128]~~. **72-2-106. Appropriation from Transportation Fund --**
26 **Transportation-Fund Highway Rehabilitation Restricted Account.**

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

31 (2) All of this money shall be placed in an account known as the "Transportation

1 Fund-highway Rehabilitation Restricted Account."

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

4 ~~[27-12-127]~~. **72-2-107. Appropriation from Transportation Fund -- Deposit**
5 **in class B and class C roads account.**

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

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

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

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

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

22 ~~[27-12-129]~~. **72-2-108. Apportionment of funds available for use on class B**
23 **and class C roads -- Bonds.**

24 (1) For purposes of this section:

25 (a) "Graveled road" means a road:

26 (i) that is:

27 (A) graded; and

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

30 (ii) that has an improved surface; and

31 (iii) that has a wearing surface made of:

- 1 (A) gravel;
- 2 (B) broken stone;
- 3 (C) slag;
- 4 (D) iron ore;
- 5 (E) shale; or
- 6 (F) other material that is:
 - 7 (I) similar to a material described in Subsection (1)(a)(iii)(A) through (E); and
 - 8 (II) is coarser than sand[;]_
- 9 (b) "Paved road" includes a graveled road with a chip seal surface[;]_
- 10 (c) "Road mile" means a one-mile length of road, regardless of:
 - 11 (i) the width of the road; or
 - 12 (ii) the number of lanes into which the road is divided[; and]_
- 13 (d) "Weighted mileage" means the sum of the following:
 - 14 (i) paved road miles multiplied by five;
 - 15 (ii) graveled road miles multiplied by two; and
 - 16 (iii) all other road type road miles multiplied by one.
- 17 (2) Subject to the provisions of Subsections (3) through (5), funds in the class B and class
- 18 C roads account shall be apportioned among counties and municipalities in the following manner:
 - 19 (a) 50% in the ratio that the class B roads weighted mileage within each county and class
 - 20 C roads weighted mileage within each municipality bear to the total class B and class C roads
 - 21 weighted mileage within the state; and
 - 22 (b) 50% in the ratio that the population of a county or municipality bears to the total
 - 23 population of the state as of the last official federal census or the United States Bureau of Census
 - 24 estimate, whichever is most recent, except that if population estimates are not made for a county
 - 25 or municipality by the United States Bureau of Census, population figures shall be determined
 - 26 according to the biennial estimate from the Utah Population Estimates Committee.
- 27 (3) For purposes of Subsection (2)(b), "the population of a county" means:
 - 28 (a) the population of a county outside the corporate limits of municipalities in that county,
 - 29 if the population of the county outside the corporate limits of municipalities in that county is not
 - 30 less than 14% of the total population of that county, including municipalities; and
 - 31 (b) if the population of a county outside the corporate limits of municipalities in the county

1 is less than 14% of the total population:

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

4 (A) 14%; and

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

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

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

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

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

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

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

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

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

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

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

1 product of:

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

4 (B) 1/3; and

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

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

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

9 (A) the product of:

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

12 (II) 1/3; and

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

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

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

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

20 (B) 1/3; and

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

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

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

31 Section 52. Section **72-2-109**, which is renumbered from Section 27-12-130 is renumbered

1 and amended to read:

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

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

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

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

13 ~~[27-12-131].~~ **72-2-110. Funds allocated to class B and class C roads --**
14 **Matching federal funds.**

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

18 Section 54. Section **72-2-111**, which is renumbered from Section 27-12-121 is renumbered
19 and amended to read:

20 ~~[27-12-121].~~ **72-2-111. Assent to federal acts on federal aid for highway**
21 **purposes -- Department to represent state -- Pledge of funds -- Rulemaking authority --**
22 **Contracts for energy conservation.**

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

26 (b) The department may:

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

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

31 (iii) do any other thing necessary to fully carry out the cooperation contemplated and

1 provided for by a federal act.

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

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

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

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

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

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

13 ~~[63-49-16].~~ **72-2-112. Transportation department authorized to participate in**
14 **federal program.**

15 (1) Notwithstanding any law to the contrary, the [State] department [of Transportation]
16 is empowered to participate in the deferred payment program authorized by Congress in Public
17 Law 94-30.

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

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

22 ~~[63-49-23].~~ **72-2-113. Rulemaking for cost limitations on contracts -- Auditing for**
23 **compliance -- Federal accounting and audit standards.**

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

28 (2) The department may require a provider of engineering or design services to submit
29 annual audits or to submit to audits to determine compliance with the rules made under Subsection

30 (1). The audits may not be duplicative of federal audits under the Federal Acquisition Regulations
31 System, 48 C.F.R. Part 31.

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

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

6 ~~[63-49-25]~~. **72-2-114. Transfer of monies -- Debt service.**

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

11 (2) After receiving notice under Subsection (1), the department [of Transportation] shall
12 transfer monies from any available source other than the Transportation Fund to the Division of
13 Finance for deposit into the Debt Service Fund to pay interest on bond anticipation notes issued
14 under the authority of Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note
15 Authorization.

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

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

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

22 Section 59. Section **72-2-116**, which is renumbered from Section 27-12-132 is renumbered
23 and amended to read:

24 ~~[27-12-132]~~. **72-2-116. Gifts, bequests, and donations part of Transportation**
25 **Fund -- Expenditure.**

26 (1) Gifts, bequests, and donations by individuals, corporations, or societies to the state for
27 road building purposes shall become part of the [state highway fund] Transportation Fund, and
28 shall be expended for state highway purposes. [Such gifts]

29 (2) Gifts, bequests, or donations made to any county shall be expended under the direction
30 of the county legislative body.

31 Section 60. Section **72-2-117**, which is renumbered from Section 27-12-103.6 is

1 renumbered and amended to read:

2 ~~[27-12-103.6].~~ 72-2-117. **Transportation Corridor Preservation Revolving**
3 **Loan Fund -- Distribution -- Repayment -- Rulemaking.**

4 (1) There is created the Transportation Corridor Preservation Revolving Loan Fund within
5 the Transportation Fund.

6 (2) The fund shall be funded from the following sources:

7 (a) motor vehicle rental tax imposed under Section 59-12-1201;

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

9 (c) contributions from other public and private sources for deposit into the fund;

10 (d) interest earnings on cash balances;

11 (e) all monies collected for repayments and interest on fund monies; and

12 (f) all monies collected from rents and sales of real property.

13 (3) All monies appropriated to the Transportation Corridor Preservation Revolving Loan
14 Fund are nonlapsing.

15 (4) (a) The commission shall authorize the expenditure of fund monies to allow the
16 department to acquire real property or any interests in real property for state, county, and
17 municipal transportation corridors subject to:

18 (i) monies available in the fund; and

19 (ii) rules made under Subsection (7).

20 (b) Fund monies may be used to pay interest on debts incurred in accordance with this
21 section.

22 (5) Administrative costs of the Transportation Corridor Preservation Revolving Loan Fund
23 shall be paid from the fund.

24 (6) The department:

25 (a) may apply to the commission under this section for monies from the Transportation
26 Corridor Preservation Revolving Loan Fund for a specified transportation corridor project,
27 including for county and municipal projects; and

28 (b) shall repay the fund monies authorized for the project to the fund as required under
29 Subsection (7).

30 (7) The commission shall:

31 (a) administer the Transportation Corridor Preservation Revolving Loan Fund to preserve

1 transportation corridors, promote long-term statewide transportation planning, save on acquisition
2 costs, and promote the best interests of the state in a manner which minimizes impact on prime
3 agricultural land;

4 (b) prioritize fund monies based on considerations, including:

5 (i) areas with rapidly expanding population;

6 (ii) the willingness of local governments to complete studies and impact statements that
7 meet department standards;

8 (iii) the preservation of corridors by the use of local planning and zoning processes; and

9 (iv) the availability of other public and private matching funds for a project; and

10 (c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
11 Act, establishing the:

12 (i) procedures for the awarding of fund monies;

13 (ii) procedures for the department to apply for transportation corridor preservation monies
14 for projects; and

15 (iii) repayment conditions of the monies to the fund from the specified project funds.

16 Section 61. Section **72-2-118**, which is renumbered from Section 63-49-22 is renumbered
17 and amended to read:

18 **[63-49-22]. 72-2-118. Centennial Highway Trust Fund.**

19 (1) There is created an expendable trust fund entitled the Centennial Highway Trust Fund.

20 (2) The fund consists of monies generated from the following revenue sources:

21 (a) any voluntary contributions received for the construction, major reconstruction, or
22 major renovation of state or federal highways;

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

24 (c) registration fees designated under Subsection 41-1a-1201(6); and

25 (d) the sales and use tax amounts provided for in Subsection 59-12-103(6).

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

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

28 (4) The executive director may use fund monies, as prioritized by the Transportation
29 Commission, only to pay the costs of construction, major reconstruction, or major renovation to
30 state and federal highways.

31 Section 62. Section **72-2-119**, which is renumbered from Section 63-49-24 is renumbered

1 and amended to read:

2 ~~[63-49-24]~~. **72-2-119. Growth impact highway grants.**

3 (1) Notwithstanding the restrictions on the use of Centennial Highway Trust Fund monies
4 under Subsection ~~[63-49-22]~~ 72-2-118(4), the commission may issue one grant annually of up to
5 \$1,000,000 from the Centennial Highway Trust Fund to a county for county highway improvement
6 projects needed because of significant impacts on local infrastructure resulting from large business
7 development within the county which adds more than 15% to the total locally assessed value of
8 taxable property in the county.

9 (2) A county recipient must provide matching funds from any available public or private
10 sources having a value that is at least 150% of the grant funds received from the commission under
11 this section.

12 Section 63. Section **72-2-120**, which is renumbered from Section 27-12-132.2 is
13 renumbered and amended to read:

14 ~~[27-12-132.2]~~. **72-2-120. Tollway Restricted Account -- Revenue -- Nonlapsing.**

15 (1) There is created within the Transportation Fund a restricted account known as the
16 "Tollway Restricted Account."

17 (2) The account shall be funded from the following sources:

- 18 (a) tolls collected under Section ~~[27-12-132.1]~~ 72-6-118;
- 19 (b) appropriations made to the account by the Legislature;
- 20 (c) contributions from other public and private sources for deposit into the account;
- 21 (d) interest earnings on cash balances; and
- 22 (e) all monies collected for repayments and interest on account monies.

23 (3) All monies appropriated to the account are nonlapsing.

24 (4) (a) Monies shall be appropriated by the Legislature from the restricted account to the
25 commission for tollway purposes.

26 (b) The commission may authorize the monies under Subsection (4)(a) to be spent by the
27 department to establish and operate tollways and related facilities, including design, construction,
28 reconstruction, operation, maintenance, impacts from tollways, and the acquisition of right-of-way.

29 Section 64. Section **72-2-201**, which is renumbered from Section 27-18-102 is renumbered
30 and amended to read:

31 **Part 2. Transportation Infrastructure Loan Fund**

1 ~~[27-18-102].~~ **72-2-201. Definitions.**

2 As used in this [chapter] part:

3 (1) "Fund" means the Transportation Infrastructure Loan Fund created under Section
4 ~~[27-18-103]~~ 72-2-202.

5 (2) "Infrastructure assistance" means any use of fund moneys, except an infrastructure
6 loan, to provide financial assistance for transportation projects, including to finance leases, fund
7 reserves, make grants, make interest buy-down grants, leases, or loans obtained by a public entity
8 to finance transportation projects.

9 (3) "Infrastructure loan" means a loan of fund monies to finance a transportation project.

10 (4) "Public entity" means a state agency, county, municipality, special district, or an
11 intergovernmental entity organized under state law.

12 (5) "Transportation project" means a project to improve the state transportation systems
13 and includes the costs of acquisition, construction, reconstruction, rehabilitation, equipping, and
14 fixturing.

15 Section 65. Section **72-2-202**, which is renumbered from Section 27-18-103 is renumbered
16 and amended to read:

17 ~~[27-18-103].~~ **72-2-202. Transportation Infrastructure Loan Fund -- Creation**
18 **-- Use of monies.**

19 (1) There is created a revolving loan fund entitled the Transportation Infrastructure Loan
20 Fund.

21 (2) The fund consists of monies generated from the following revenue sources:

22 (a) appropriations made to the fund by the Legislature;

23 (b) federal monies and grants that are deposited in the fund;

24 (c) monies transferred to the fund by the commission from other monies available to the
25 department;

26 (d) state grants that are deposited in the fund;

27 (e) contributions or grants from any other private or public sources for deposit into the
28 fund; and

29 (f) all monies collected from repayments of fund monies used for infrastructure loans or
30 infrastructure assistance.

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

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

2 (4) Monies in the fund shall be used by the department, as prioritized by the commission,
3 only to:

4 (a) provide infrastructure loans or infrastructure assistance; and

5 (b) pay the department for the costs of administering the fund, providing infrastructure
6 loans or infrastructure assistance, monitoring transportation projects, and obtaining repayments
7 of infrastructure loans or infrastructure assistance.

8 (5) (a) The department may establish separate accounts in the fund for infrastructure loans,
9 infrastructure assistance, administrative and operating expenses, or any other purpose to implement
10 this part.

11 (b) In accordance with Title, 63, Chapter 46a, Utah Administrative Rulemaking Act, the
12 department may make rules governing how the fund and its accounts may be held by an escrow
13 agent.

14 (6) Fund monies shall be invested by the state treasurer as provided in Title 51, Chapter
15 7, State Money Management Act, and the earnings from the investments shall be credited to the
16 fund.

17 Section 66. Section **72-2-203**, which is renumbered from Section 27-18-104 is renumbered
18 and amended to read:

19 ~~[27-18-104]~~. **72-2-203. Loans and assistance -- Authority -- Rulemaking.**

20 (1) Monies in the fund may be used by the department, as prioritized by the commission,
21 to make infrastructure loans or to provide infrastructure assistance to any public entity for any
22 purpose consistent with any applicable constitutional limitation.

23 (2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
24 commission shall make rules providing procedures and standards for making infrastructure loans
25 and providing infrastructure assistance.

26 Section 67. Section **72-2-204**, which is renumbered from Section 27-18-105 is renumbered
27 and amended to read:

28 ~~[27-18-105]~~. **72-2-204. Loan program procedures -- Repayment.**

29 (1) A public entity may obtain an infrastructure loan from the department, upon approval
30 by the commission, by entering into a loan contract with the department secured by legally issued
31 bonds, notes, or other evidence of indebtedness validly issued under state law, including pledging

1 all or any portion of a revenue source to the repayment of the loan.

2 (2) The public entity shall repay the infrastructure loan in accordance with the loan
3 contract from any of the following sources:

4 (a) transportation project revenues, including special assessment revenues;

5 (b) general funds of the public entity;

6 (c) monies withheld under Subsection (5); or

7 (d) any other legally available revenues.

8 (3) An infrastructure loan contract with a public entity may provide that a portion of the
9 proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the loan.

10 (4) Before obtaining an infrastructure loan, a county or municipality shall:

11 (a) publish its intention to obtain an infrastructure loan at least once in accordance with
12 the publication of notice requirements under Section 11-14-21; and

13 (b) adopt an ordinance or resolution authorizing the infrastructure loan.

14 (5) (a) If a public entity fails to comply with the terms of its infrastructure loan contract,
15 the department may seek any legal or equitable remedy to obtain compliance or payment of
16 damages.

17 (b) If a public entity fails to make infrastructure loan payments when due, the state shall,
18 at the request of the department, withhold an amount of monies due to the public entity and deposit
19 the withheld monies in the fund to pay the amounts due under the contract.

20 (c) The department may elect when to request the withholding of monies under this
21 Subsection (5).

22 (6) All loan contracts, bonds, notes, or other evidence of indebtedness securing the loan
23 contracts shall be held, collected, and accounted for in accordance with Section 63-65-4.

24 Section 68. Section **72-2-205**, which is renumbered from Section 27-18-106 is renumbered
25 and amended to read:

26 ~~[27-18-106].~~ **72-2-205. Loan contracts of state agencies.**

27 (1) (a) Notwithstanding Sections 53B-21-113 and 63A-1-112, a state agency may obtain
28 an infrastructure loan.

29 (b) A state agency may contract to repay an infrastructure loan from the monies which are
30 appropriated to the agency and may pledge all or any portion of those monies to repay the loan.

31 (c) A state agency's infrastructure loan may not constitute a debt of the state or lending the

1 credit of the state within the meaning of any constitutional or statutory limitation.

2 (2) The terms of an infrastructure loan contract shall bind the state and a state agency, and
3 the state agency shall unconditionally repay the loan from the monies the agency has pledged
4 under the terms of the loan contract.

5 Section 69. Section **72-2-206**, which is renumbered from Section 27-18-107 is renumbered
6 and amended to read:

7 ~~[27-18-107].~~ **72-2-206. Department authority to contract.**

8 The department may, upon approval of the commission:

9 (1) make all contracts, execute all instruments, and do all things necessary or convenient
10 to provide financial assistance for transportation projects in accordance with this chapter; and

11 (2) enter into and perform the contracts and agreements with entities concerning the
12 planning, construction, lease, or other acquisition, installation, or financing of transportation
13 projects.

14 Section 70. Section **72-3-101** is enacted to read:

15 **CHAPTER 3. HIGHWAY JURISDICTION AND CLASSIFICATION**

16 **Part 1. Highways in General**

17 **72-3-101. Title.**

18 This chapter is known as the "Highway Jurisdiction and Classification Act."

19 Section 71. Section **72-3-102**, which is renumbered from Section 27-12-21 is renumbered
20 and amended to read:

21 ~~[27-12-21].~~ **72-3-102. State highways -- Class A state roads.**

22 (1) ~~[All roads and streets designated as state]~~ State highways comprise highways, roads,
23 and streets designated under Chapter 4, Designation of State Highways.

24 (2) State highways are class A state roads.

25 ~~[(2)]~~ (3) The department has jurisdiction and control over all state highways [and the].

26 (4) The department shall construct and maintain each state ~~[highways shall be constructed~~
27 ~~and maintained by the department from]~~ highway using funds made available for that purpose.

28 Section 72. Section **72-3-103**, which is renumbered from Section 27-12-22 is renumbered
29 and amended to read:

30 ~~[27-12-22].~~ **72-3-103. County roads -- Class B roads -- Construction and**
31 **maintenance by counties.**

1 (1) County roads comprise all public highways, roads, and streets within the state that:

2 (a) [~~not designated as state highways that~~] are situated outside of incorporated
3 municipalities and not designated as state highways;

4 (b) [~~that~~] have been designated as county roads; [~~and~~] or

5 (c) [~~those public roads~~] are located [~~within a national forest~~] on property under the control
6 of a federal agency and constructed or maintained by the county under agreement with the
7 appropriate federal agency.

8 (2) County roads are class B roads.

9 (3) [~~County roads are under the~~] The county governing body has jurisdiction and control
10 of [~~the~~] county [~~governing bodies of the respective counties and shall be constructed and~~
11 maintained by or under the authority of the county governing bodies of the respective counties
12 from] roads within the county.

13 (4) The county shall construct and maintain each county road using funds made available
14 for that purpose.

15 [(4)] (5) The county legislative body [~~has authority to~~] may expend [~~or by contract cause~~
16 to be expended the] funds allocated to each county from the Transportation Fund under rules made
17 by the department.

18 [(5) When the] (6) A county legislative body [~~considers the funds available for county~~
19 road purposes from sources other than the levy made against tangible property adequate to
20 properly construct and maintain the class B roads, the county] may [~~(a) cease making a levy for~~
21 county road purposes; or (b)] use any portion of the class B road funds provided by this chapter
22 for the construction and maintenance of class A state roads by cooperative agreement with the
23 department.

24 (7) A county may enter into agreements with the appropriate federal agency for the use
25 of federal funds, county road funds, and donations to county road funds to construct, improve, or
26 maintain county roads within or partly within national forests.

27 Section 73. Section **72-3-104**, which is renumbered from Section 27-12-23 is renumbered
28 and amended to read:

29 [~~27-12-23~~]. **72-3-104. City streets -- Class C roads -- Construction and**
30 **maintenance.**

31 (1) City streets comprise:

1 (a) highways, roads, and streets within the corporate limits of the municipalities that are
2 not designated as class A state roads or as class B roads; and

3 (b) those highways, roads, and streets located within a national forest and constructed or
4 maintained by the municipality under agreement with the appropriate federal agency.

5 (2) City streets are ~~[under the]~~ class C roads.

6 (3) The municipal governing body has jurisdiction and control of the [governing officials
7 of] city streets within the municipality.

8 ~~[(3) City streets are class C roads.]~~

9 (4) The department shall cooperate with the municipal legislative body in the construction
10 and maintenance of the class C roads within each municipality~~[, and the]~~.

11 (5) The municipal legislative body shall expend or cause to be expended upon the class
12 C roads the [amount] funds allocated to each municipality from the Transportation Fund under
13 rules made by the department.

14 ~~[(5)] (6)~~ Any town or city in the third class may:

15 (a) contract with the county or the department for the construction and maintenance of
16 class C roads within its corporate limits; or

17 (b) transfer, with the consent of the county, its:

18 (i) class C roads to the class B road system; and

19 (ii) funds allocated from the Transportation Fund to the municipality to the county
20 legislative body for use upon the transferred class C roads.

21 ~~[(6) When the]~~ (7) A municipal legislative body of any municipality of the third class
22 [considers the funds available for road purposes from sources other than the levy made against
23 tangible property adequate to properly construct and maintain the class C roads within any
24 municipality, the municipal legislative body] may use any portion of the class C road funds
25 allocated to the municipality for the construction of sidewalks, curbs, and gutters on class A state
26 roads within the municipal limits by cooperative agreement with the department.

27 Section 74. Section **72-3-105**, which is renumbered from Section 27-15-3 is renumbered
28 and amended to read:

29 ~~[27-15-3].~~ **72-3-105. Maps to be prepared by county -- Indication of roads.**

30 (1) As used in this section, "class D road" means any road, way, or other land surface route
31 that has been or is established by use or constructed and is maintained to provide reasonably

1 passable for usage by the public for vehicles with four or more wheels that is not a class A, class
 2 B, or class C road under this title.

3 (2) Each class D road is part of the highway and road system within the state with the same
 4 force and effect as if the class D road had been included within this system upon its being first
 5 established or constructed.

6 (3) Each county shall prepare maps showing to the best of its ability the class D roads
 7 within its boundaries which were in existence as of October 21, 1976. Preparation of these maps
 8 may be done by the county itself or through any multi-county planning district in which the county
 9 participates. A county shall be given a minimum of two years to complete mapping of the class
 10 D roads within its boundaries.

11 ~~[(2)]~~ (4) Any class D road which is established or constructed after October 21, 1976, shall
 12 ~~[similarly]~~ be reflected on maps prepared as provided in Subsection ~~[(1)]~~ (3).

13 ~~[(3) Upon completion]~~ (5) The county shall provide a copy of any map ~~[provided for]~~
 14 ~~under [either] Subsection [(1)] (3) or [Subsection (2) the county shall provide a copy of it] (4)~~
 15 upon completion to the department ~~[of Transportation]~~. ~~[This]~~

16 (6) The department shall scribe each road shown [on this map] on its own county map
 17 series [but shall]. The department is not [be] responsible for the validity of any [such] class D road
 18 [nor] and is not responsible for its being inventoried. The department shall also keep on file an
 19 historical map record of the roads as ~~[so]~~ provided by the counties.

20 Section 75. Section **72-3-106**, which is renumbered from Section 27-12-24 is renumbered
 21 and amended to read:

22 ~~[27-12-24].~~ **72-3-106. Actions to determine priority of use of public roads.**

23 ~~(1) [All actions involving determination of a priority of public use of all highways, roads,~~
 24 ~~streets, paths and ways not otherwise designated as a federal highway, state highway, county road,~~
 25 ~~city street, or special highway shall be by the]~~ The county attorney under [and by] the direction
 26 of the county legislative body [in which the so designated way resides] shall determine a priority
 27 of public use of all county roads.

28 (2) This action may be instigated by the written request of ten taxpayers of [said] the
 29 county to the county legislative body [in the county in which the undesignated way is situated].

30 (3) The county legislative body shall request the county attorney to instigate action within
 31 a reasonable length of time.

1 Section 76. Section **72-3-107**, which is renumbered from Section 27-12-26 is renumbered
2 and amended to read:

3 ~~[27-12-26].~~ **72-3-107. County executive to keep plats of roads and highways.**

4 ~~[It shall be the duty of the]~~ (1) ~~The~~ county executive of each county ~~[to]~~ shall determine
5 all county roads existing in ~~[its]~~ the county~~[-outside of cities and towns,]~~ and ~~[to]~~ prepare and keep
6 current plats and specific descriptions of the ~~[same and of such other highways as he may from~~
7 ~~time to time locate upon public lands, which]~~ county roads.

8 (2) The plats and specific descriptions shall be kept on file in the office of the county clerk
9 or recorder.

10 Section 77. Section **72-3-108** is enacted to read:

11 **72-3-108. County roads -- Vacation and narrowing.**

12 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
13 without petition or after petition by a property owner.

14 (2) A county may not vacate a county road unless notice of the hearing is:

15 (a) published in a newspaper of general circulation in the county once a week for four
16 consecutive weeks prior to the hearing; or

17 (b) posted in three public places for four consecutive weeks prior to the hearing and is
18 mailed to all owners of property abutting the county road.

19 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
20 of any public utility may not be impaired by vacating or narrowing a county road.

21 Section 78. Section **72-3-109**, which is renumbered from Section 27-12-88 is renumbered
22 and amended to read:

23 ~~[27-12-88].~~ **72-3-109. Division of responsibility with respect to state highways in**
24 **cities and towns.**

25 ~~[The]~~ (1) Except as provided in Subsection (2), the jurisdiction and responsibility of the
26 department and the [cities and towns for highways designated as] municipalities for state highways
27 within [cities and towns, other than interstate highways,] municipalities is as follows:

28 ~~[(1)]~~ (a) The department has jurisdiction over and is responsible for the construction and
29 maintenance of:

30 ~~[(a)]~~ (i) the portion of the state highway located between the back of the curb on either side
31 of the state highway; or

1 [(b)] (ii) if there is no curb, the traveled way, its contiguous shoulders, and appurtenances.

2 (b) The department may widen or improve state highways within municipalities.

3 (c) (i) [~~(2)(a) Cities and towns have~~] A municipality has jurisdiction over all other
4 portions of the right-of-way and [are] is responsible for construction and maintenance of the
5 right-of-way.

6 [(b)] (ii) If a [~~city or town~~] municipality grants permission for the installation of any pole,
7 pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object
8 of any kind or character within the portion of the right-of-way under its jurisdiction:

9 [(i)] (A) the permission shall contain the condition that any installation will be removed
10 from the right-of-way at the request of the [~~city or town~~] municipality; and

11 [(ii)] (B) the [~~city or town~~] municipality shall cause any installation to be removed at the
12 request of the department when the department finds the removal necessary:

13 [(A)] (I) to eliminate a hazard to traffic safety;

14 [(B)] (II) for the construction and maintenance of the state highway; or

15 [(C)] (III) to meet the requirements of federal regulations.

16 [(3)] (d) If it is necessary that a utility, as defined in Section [~~27-12-11~~] 72-6-116, be
17 relocated on [~~federal-aid highways~~] a highway eligible for federal aid, reimbursement shall be
18 made for the relocation as provided for in Section [~~27-12-11~~] 72-6-116.

19 [(4)(a)] (e) (i) The department shall construct curbs, gutters, and sidewalks on the state
20 highways [~~when it is found~~] if necessary [~~by the department~~] for the proper control of traffic,
21 driveway entrances, or drainage.

22 [(b)] (ii) If a state highway is widened or altered and existing curbs, gutters, [~~and~~] or
23 sidewalks are removed, the department shall replace the curbs, gutters, [~~and~~] or sidewalks.

24 [(5)] (f) The department may furnish and install street lighting systems for [~~the~~] state
25 highways, but their operation and maintenance is the responsibility of the [~~city or town~~]
26 municipality.

27 [(6)] (g) If new storm sewer facilities are necessary in the construction and maintenance
28 of the state highways, the cost of the storm sewer facilities shall be borne by the state and the [~~city~~
29 ~~or town~~] municipality in a proportion mutually agreed upon between the department and the
30 [~~highway authorities of the city or town~~] municipality.

31 [(7)] (h) (i) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking

1 Act, the department may make rules governing the location and construction of approach roads
2 and driveways entering the state highway~~[, and the]~~.

3 (ii) The department may delegate the administration of the rules to the highway authorities
4 of ~~[the city or town]~~ a municipality.

5 (2) The department has jurisdiction and control over the entire right-of-way of interstate
6 highways within municipalities and is responsible for the construction, maintenance, and
7 regulation of the interstate highways within municipalities.

8 Section 79. Section **72-3-110**, which is renumbered from Section 27-12-15 is renumbered
9 and amended to read:

10 ~~[27-12-15].~~ **72-3-110. Proposal to bypass or provide alternate route through city**
11 **or town -- Notice and hearing required.**

12 (1) Whenever the department proposes to construct a highway bypassing any city or town,
13 or to provide an alternate route through or outside any city or town, the commission shall notify
14 the governing officials of the city or town and hold a public hearing, on a date set, for the purpose
15 of advising the citizens of the city or town of the reason or reasons for the highway proposed to
16 be constructed.

17 (2) The hearing shall be held within the city or town to be bypassed, except that if the
18 highway proposed will bypass or provide an alternate route through or outside of several cities or
19 towns located within close proximity to each other, the commission may combine the hearings and
20 hold them in one city or town centrally and conveniently located to the others at which time each
21 city and town shall be given ample opportunity to be heard.

22 (3) Subsequent to the hearing, the commission shall notify in writing the officials of the
23 city or town, or of each of the cities or towns if the hearings are combined, of the decision reached
24 as a result of the hearing within ten days from the time the decision is reached.

25 Section 80. Section **72-3-111**, which is renumbered from Section 27-12-17 is renumbered
26 and amended to read:

27 ~~[27-12-17].~~ **72-3-111. Roads and parking spaces in connection with state**
28 **institutions and areas for recreational activities.**

29 Subject to Section ~~[63-49-12]~~ 72-1-303, the department is authorized to build and maintain
30 roads:

31 (1) leading to roads and parking spaces on the grounds of state institutions to which roads

1 have not been designated by the Legislature; and

2 (2) roads and parking spaces to serve areas in immediate proximity to a designated
3 highway used for:

4 (a) salt flat races;

5 (b) ski meets; and

6 (c) activities which are promoted for the general welfare.

7 Section 81. Section **72-3-112**, which is renumbered from Section 27-12-117 is renumbered
8 and amended to read:

9 ~~[27-12-117].~~ **72-3-112. Authority to designate, maintain, and build livestock**
10 **highways.**

11 (1) ~~[The department, county legislative bodies, and municipal legislative bodies]~~ A
12 highway authority may designate, survey, ~~[build]~~ construct, protect, enter into agreements for,
13 purchase rights-of-way for, and maintain livestock highways.

14 (2) If state highways with heavy traffic are regularly used for the movement of livestock,
15 the department, county legislative bodies, and municipal legislative bodies shall construct and
16 maintain livestock roads or trails for livestock travel.

17 (3) A livestock highway or trail is for the purpose of transferring livestock and may not
18 be used for pasturing purposes, except during regular transfer operations. The public may use
19 livestock highways or trails but shall give preference to livestock when livestock is present.

20 (4) A person may not drive livestock upon the public highways when a livestock highway
21 is available and can be used without undue inconvenience.

22 (5) A person who violates the provisions of Subsection (4) is guilty of a class B
23 misdemeanor. The court shall impose a:

24 (a) fine of not more than \$100;

25 (b) jail sentence of not more than 30 days; or

26 (c) fine and imprisonment.

27 Section 82. Section **72-3-201**, which is renumbered from Section 27-12-23.5 is
28 renumbered and amended to read:

29 **Part 2. State Park Access Highways**

30 ~~[27-12-23.5].~~ **72-3-201. Jurisdiction over highways leading to and within state**
31 **parks.**

1 (1) As used in this part, "state park access highways" means the highways specified under
 2 this part.

3 ~~[(1)]~~ (2) The department, a county, or a [city] municipality has jurisdiction over and
 4 responsibility for:

- 5 (a) primary access highways to state parks;
- 6 (b) highways to the main attraction within each state park; and
- 7 (c) highways through state parks providing access to land uses beyond state park
 8 boundaries.

9 ~~[(2)]~~ (3) (a) The appropriate entities with jurisdiction over and responsibility for the
 10 highways referred to in Subsections ~~[(1)]~~ (2)(a) and (b) are specified in Sections ~~[27-12-23.6]~~
 11 72-3-202 through ~~[27-12-23.10]~~ 72-3-206.

12 (b) Jurisdiction over and responsibility for ~~[roads]~~ highways under Subsection ~~[(1)]~~ (2)(c)
 13 shall be determined by the commission as described in Sections ~~[27-12-21]~~ 72-3-102, ~~[27-12-22]~~
 14 72-3-103, and ~~[27-12-23]~~ 72-3-104.

15 Section 83. Section **72-3-202**, which is renumbered from Section 27-12-23.6 is
 16 renumbered and amended to read:

17 ~~[27-12-23.6]~~. **72-3-202. State park access highways -- Anasazi Indian Village**
 18 **State Park to Edge of the Cedars State Park.**

19 ~~[The roads which qualify under Section 27-12-23.5 are as follows]~~ State park access
 20 highways include:

21 (1) ANASAZI INDIAN VILLAGE STATE PARK. Access to the Anasazi Indian Village
 22 State Park is at the park entrance located in Garfield County at milepoint 87.8 on State Highway
 23 12. No access road is defined.

24 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the pay
 25 gate located in Rich County at milepoint 413.2 on State Highway 89. No access road is defined.

26 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore begins
 27 in Rich County at State Highway 30 and proceeds northerly ~~[along]~~ on a county road (L326) a
 28 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich County.

29 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake
 30 Rendezvous Beach is at the park entrance ~~[located]~~ in Rich County at milepoint 124.5 on State
 31 Highway 30. No access road is defined.

1 (5) CAMP FLOYD/STAGECOACH INN STATE PARK. Access to the Camp
2 Floyd/Stagecoach Inn State Park is at the parking area [located] in Utah County at milepoint 20.6
3 on State Highway 73. No access road is defined.

4 (6) CORAL PINK SAND DUNES STATE PARK. Access to the Coral Pink Sand Dunes
5 State Park begins in Kane County at State Highway 89 and proceeds southwesterly [along] on a
6 county road a distance of 12.0 miles to the visitor center of the park and is under the jurisdiction
7 of Kane County.

8 (7) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park begins
9 in Grand County at State Highway 191 and proceeds southwesterly [along] on State Highway 313
10 a distance of 20.8 miles to the camping area at the park and is under the jurisdiction of UDOT.

11 (8) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in Wasatch
12 County at State Highway 189 and proceeds southwesterly [along] on State Highway 314 a distance
13 of 0.2 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

14 (9) EAST CANYON STATE PARK. Access to East Canyon State Park begins in Morgan
15 County at State Highway 66 and proceeds southeasterly [along] on State Highway 306 a distance
16 of 0.1 miles to the parking area at the park and is under the jurisdiction of UDOT.

17 (10) EDGE OF THE CEDARS STATE PARK. Access to Edge of the Cedars State Park
18 is at the parking area and museum [located] in San Juan County at 660 West 400 North in
19 Blanding, Utah. No access road is defined.

20 Section 84. Section **72-3-203**, which is renumbered from Section 27-12-23.7 is
21 renumbered and amended to read:

22 ~~[27-12-23.7].~~ **72-3-203. State park access highways -- Escalante State Park**
23 **to Huntington State Park.**

24 ~~[The roads which qualify under Section 27-12-23.5 are as follows]~~ State park access
25 highways include:

26 (1) ESCALANTE STATE PARK. Access to Escalante State Park begins in Garfield
27 County at State Highway 12 and proceeds northwesterly [along] on a county road a distance of 1
28 mile to the park's visitor center and is under the jurisdiction of Garfield County.

29 (2) FORT BUENAVENTURA STATE PARK. Access to Fort Buenaventura State Park
30 is at the visitor center/contact station [located] in Weber County at 2450 A Avenue in Ogden[
31 Utah]. No access road is defined.

1 (3) FREMONT INDIAN STATE PARK. Access to the Fremont Indian State Park begins
2 in Sevier County at State Highway 70 and proceeds easterly [along] on a county road a distance
3 of 2.0 miles to the parking area and visitor center of the park and is under the jurisdiction of Sevier
4 County.

5 (4) GOBLIN VALLEY STATE PARK. Access to the Goblin Valley State Park begins in
6 Emery County at State Highway 24 and proceeds southwesterly [along] on a county road 11.7
7 miles to the overlook/parking area at the park and is under the jurisdiction of Emery County.

8 (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in San Juan
9 County at State Highway 261 and proceeds southwesterly [along] on State Highway 316 a distance
10 of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction of UDOT.

11 (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park begins
12 in Davis County at State Highway 127 and proceeds southwesterly [along] on a county road a
13 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of
14 Davis County.

15 (7) GREAT SALT LAKE STATE PARK. Access to the Great Salt Lake State Park begins
16 in Salt Lake County at Interstate Highway 80 and proceeds southwesterly [along] on a county road
17 a distance of 1.5 miles to the parking area and marina at the park and is under the jurisdiction of
18 Salt Lake County.

19 (8) GREEN RIVER STATE PARK. Access to Green River State Park is at the park
20 entrance [located] in Grand County at Green River [Blvd.] Boulevard in Green River[, Utah]. No
21 access road is defined.

22 (9) GUNLOCK STATE PARK. Access to the Gunlock State Park begins in Washington
23 County at the junction of county road (L009) and a county road and proceeds northwesterly
24 [along] on a county road a distance of 0.1 miles to the parking area at the park and is under the
25 jurisdiction of Washington County.

26 (10) HUNTINGTON STATE PARK. Access to the Huntington State Park begins in
27 Emery County at State Highway 10 and proceeds northwesterly [along] on a county road a
28 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

29 Section 85. Section **72-3-204**, which is renumbered from Section 27-12-23.8 is
30 renumbered and amended to read:

31 ~~[27-12-23.8]~~. **72-3-204**. State park access highways -- Hyrum State Park to

1 **Painted Rocks.**

2 [The roads that qualify under Section 27-12-23.5 are as follows] State park access
3 highways include:

4 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate [located] in
5 Cache County at 405 West 300 South in Hyrum[, Utah]. No access road is defined.

6 (2) IRON MISSION STATE PARK. Access to Iron Mission State Park is at the parking
7 area and museum [located] in Iron County at milepoint 3.3 on State Highway 130 [at] at 585 North
8 Main St. in Cedar City[, Utah]. No access road is defined.

9 (3) JORDAN RIVER STATE PARK. Access to Jordan River State Park is at the park
10 entrance [located] in Salt Lake County at milepoint 61.3 on State Highway 68 [at] at 1084 North
11 Redwood [Rd.] Road in Salt Lake City[, Utah]. No access road is defined.

12 (4) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the Jordanelle
13 State Park Hailstone Marina begins in Wasatch County at State Highway 40 and proceeds
14 southeasterly [along] on State Highway 319 a distance of 1.4 miles to the [marina/parking] marina
15 parking area at the park and is under the jurisdiction of UDOT.

16 (5) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to the
17 Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway 32 and
18 proceeds northwesterly [along] on a county road a distance of 0.6 miles to the parking area at the
19 park and is under the jurisdiction of the county.

20 (6) JORDANELLE STATE PARK (ROCK CREEK). Access to Jordanelle State Park
21 Rock Creek begins in Wasatch County at State Highway 189 and proceeds southerly [along] on
22 a county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction
23 of the county.

24 (7) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State Park
25 begins in Kane County at State Highway 12 and proceeds southeasterly [along] on a county road
26 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane County.

27 (8) LOST CREEK STATE PARK. Access to the Lost Creek State Park begins in Morgan
28 County at Interstate Highway 84 and proceeds northeasterly [along] on a county road a distance
29 of 12.8 miles to the parking/boat launch area at the park and is under the jurisdiction of Morgan
30 County.

31 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery County

1 at State Highway 10 and proceeds northwesterly [~~along~~] on a county road (L122) a distance of 4.6
2 miles to the parking area at the park and is under the jurisdiction of Emery County.

3 (10) MINERSVILLE STATE PARK. Access to the Minersville State Park begins in
4 Beaver County at State Highway 21 and proceeds northwesterly [~~along~~] on State Highway 310 a
5 distance of 0.3 miles to the visitor center/contact station at the park and is under the jurisdiction
6 of UDOT.

7 (11) NEWSPAPER ROCK STATE PARK. Access to the Newspaper Rock State Park
8 begins in San Juan County at State Highway 191 and proceeds southwesterly [~~along~~] on State
9 Highway 211 a distance of 12.4 miles to the parking area at the park and is under the jurisdiction
10 of UDOT.

11 (12) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the pay
12 gate/contact station [~~located~~] in Piute County at milepoint 6.4 on State Highway 22. No access
13 road is defined.

14 (13) PAINTED ROCKS (Yuba East Shore). Access to the Painted Rocks [~~(Yuba East~~
15 ~~Shore)~~] begins in Sanpete County at State Highway 28 and proceeds westerly [~~along~~] on a county
16 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the jurisdiction
17 of Sanpete County.

18 Section 86. Section **72-3-205**, which is renumbered from Section 27-12-23.9 is
19 renumbered and amended to read:

20 [~~27-12-23.9~~]. **72-3-205. State park access highways -- Palisade State Park to**
21 **Starvation State Park.**

22 [~~The roads which qualify under Section 27-12-23.5 are as follows~~] State park access
23 highways include:

24 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete
25 County at State Highway 89 and proceeds northeasterly [~~along~~] on a county road a distance of 2.2
26 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete County.

27 (2) PIONEER TRAILS STATE PARK. Access to Pioneer Trails State Park is at the park
28 entrance [~~located~~] in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake City[~~, Utah~~].
29 No access road is defined.

30 (3) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at State
31 Highway 89 and proceeds southeasterly [~~along~~] on a county road a distance of 1.0 miles to the

1 parking area at the park and is under the jurisdiction of Piute County.

2 (4) QUAIL CREEK STATE PARK. Access to the Quail Creek State Park begins in
3 Washington County at State Highway 9 and proceeds northerly [along] on State Highway 318 a
4 distance of 2.2 miles to the pay gate/contact station at the park and is under the jurisdiction of
5 UDOT.

6 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah
7 County at State Highway 191 and proceeds easterly [along] on a county road a distance of 2.0
8 miles to the pay gate at the park and is under the jurisdiction of Uintah County.

9 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit
10 County at State Highway 32 and proceeds northwesterly [along] on State Highway 302 a distance
11 of 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

12 (7) SCOFIELD (Mountain View). Access to Scofield [~~(Mountain View)~~] is at the boat
13 launch [~~located~~] in Carbon County at milepoint 9.2 on State Highway 96. No access road is
14 defined.

15 (8) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park
16 [~~(Mountain View)~~] Madsen Bay is at the park entrance [~~located~~] in Carbon County at milepoint
17 12.3 on State Highway 96. No access road is defined.

18 (9) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park begins in
19 Washington County at [~~Route~~] State Highway 18 near mile post 4 in St. George west on the
20 Tuacahn Parkway to Federal Route 3200 then north on Federal Route 3200 to the south boundary
21 of the Snow Canyon State Park.

22 (10) STARVATION STATE PARK. Access to the Starvation State Park begins in
23 Duchesne County at State Highway 40 and proceeds northwesterly [along] on State Highway 311
24 a distance of 2.2 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

25 Section 87. Section **72-3-206**, which is renumbered from Section 27-12-23.10 is
26 renumbered and amended to read:

27 ~~[27-12-23.10]~~. **72-3-206. State park access highways -- Steinaker State Park**
28 **to Yuba State Park.**

29 [~~The roads which qualify under Section 27-12-23.5 are as follows~~] State park access
30 highways include:

31 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah

1 County at State Highway 191 and proceeds northwesterly [~~along~~] on State Highway 301 a distance
2 of 1.7 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

3 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial Statehouse
4 State Park is at the parking area [~~located~~] in Millard County at milepoint 1.0 on State Highway
5 100. No access road is defined.

6 (3) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah
7 Field House of Natural History State Park is at the parking area [~~located~~] in Uintah County at
8 milepoint 145.8 on State Highway 40 [~~(f) at 235 East Main in Vernal[, Utah]~~]. No access road is
9 defined.

10 (4) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah
11 County at State Highway 114 and proceeds westerly [~~along~~] on a county road a distance of 2.5
12 miles to the pay gate at the park and is under the jurisdiction of Utah County.

13 (5) VETERAN'S MEMORIAL CEMETERY. Access to the Veteran's Memorial
14 Cemetery is at the cemetery entrance [~~located~~] in Utah County at 17111 South Camp Williams
15 [~~Rd.:~~] Road in [~~Riverton, Utah~~] Bluffdale. No access road is defined.

16 (6) WASATCH MOUNTAIN STATE PARK. Access to the Wasatch Mountain State
17 Park begins in Wasatch County on State Route 40 at the junction of Federal Route 3130, a county
18 road, then westerly on Federal Route 3130 on River Road, Burgi Lane, and Cari Lane, county and
19 city roads, to State [~~Route~~] Highway 224 then northwesterly on State [~~Route~~] Highway 224 to the
20 campground entrance.

21 (7) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park
22 [~~(S)outh~~] begins in Box Elder County at a county road and proceeds northwesterly [~~along~~] on
23 State Highway 312 a distance of 0.2 miles to the marina parking at the park and is under the
24 jurisdiction of UDOT.

25 (8) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park
26 [~~(N)orth~~] begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly
27 [~~along~~] on State Highway 315 a distance of 0.6 miles to the marina parking at the park and is under
28 the jurisdiction of UDOT.

29 (9) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at
30 Interstate Highway 15 and proceeds southerly [~~along~~] on county road (L203) a distance of 4.1
31 miles to the pay gate at the park and is under the jurisdiction of Juab County.

1 Section 88. Section **72-3-207**, which is renumbered from Section 27-12-23.11 is
2 renumbered and amended to read:

3 **[27-12-23.11]. 72-3-207. State Park Access Highways Improvement Program**
4 **-- Distribution -- Rulemaking.**

5 (1) There is created the State Park Access Highways Improvement Program within the
6 department.

7 (2) The program shall be funded from the following revenue sources:

8 (a) any voluntary contributions received for improvements to state park access highways;
9 and

10 (b) appropriations made to the program by the Legislature.

11 (3) The department may use the program monies as matching grants to a county or
12 municipality for the improvement of class B or class C roads specified [~~under Sections 27-12-23.6~~
13 ~~through 27-12-23.10~~] as state park access highways under this part subject to:

14 (a) monies available in the program;

15 (b) prioritization of the program monies by the commission;

16 (c) a county or municipality providing at least 50% of the cost of each improvement
17 project in matching funds; and

18 (d) rules made under Subsection (4).

19 (4) The department shall make rules in accordance with Title 63, Chapter 46a, Utah
20 Administrative Rulemaking Act, necessary to administer the program and to establish the
21 procedures for a county or [city] municipality to apply for a grant of program monies.

22 (5) All appropriations made to the program by the Legislature are nonlapsing.

23 Section 89. Section **72-4-101** is enacted to read:

24 **CHAPTER 4. DESIGNATION OF STATE HIGHWAYS**

25 **Part 1. State Highways**

26 **72-4-101. Title.**

27 This chapter is known as the "Designation of State Highways Act."

28 Section 90. Section **72-4-102**, which is renumbered from Section 27-12-27 is renumbered
29 and amended to read:

30 **[27-12-27]. 72-4-102. Additions to or deletions from state highway system --**
31 **Designation of highways as state highways between sessions.**

1 (1) (a) At each general session of the Legislature, the Legislature may add to or delete
2 highways or sections of highways from the state highway system.

3 (b) The department shall submit to the Legislature a list of highways or sections of
4 highways the commission recommends for addition to or deletion from the state highway system.

5 (c) (i) All recommendations shall be based on minimum qualifying standards established
6 by the commission.

7 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
8 commission shall make rules to establish the minimum qualifying standards for highways to be
9 included on the state highway system.

10 (2) Between sessions of the Legislature, highways may be designated as state highways
11 or deleted from the state highway system if:

12 (a) approved by the commission in accordance with the standards made under Subsection
13 (1); and

14 (b) the highways are included in the list of recommendations submitted to the Legislature
15 in the next year for legislative approval or disapproval.

16 Section 91. Section **72-4-103**, which is renumbered from Section 27-12-28 is renumbered
17 and amended to read:

18 **[27-12-28]. 72-4-103. Deletion of highway from state highway system -- Return to**
19 **county or municipality or abandonment.**

20 When a state highway or portion of a state highway is deleted from the state highway
21 system by the Legislature or the commission, the department shall:

22 (1) return or relinquish the state highway or portion of the state highway to the county[;
23 city, or town] or municipality in which it is situated; or

24 (2) abandon the state highway or portion of the state highway if it no longer serves the
25 purpose of a highway.

26 Section 92. Section **72-4-104**, which is renumbered from Section 27-12-29 is renumbered
27 and amended to read:

28 **[27-12-29]. 72-4-104. Disposition of portion of highways realigned.**

29 (1) The department may make changes in the alignment of state highways to provide for
30 greater highway safety or more economical highway operation and maintenance.

31 (2) When a state highway is realigned, the former portion of it may be:

1 (a) returned or relinquished to the county[, city, or town] or municipality in which it is
2 situated to be maintained as a highway; or

3 (b) abandoned by the department if it no longer serves the purpose of a highway.

4 Section 93. Section **72-4-105**, which is renumbered from Section 27-12-30 is renumbered
5 and amended to read:

6 ~~[27-12-30].~~ **72-4-105. Designation of state highways in municipalities.**

7 If the route of a state highway extends into or through a [city or town] municipality and the
8 Legislature has not specifically designated the location of the highway within the [city or town]
9 municipality, the commission, in cooperation with the [city or town] municipality, shall [select
10 and] designate the streets of the [city or town] municipality over which the state highway shall be
11 routed. The designated streets shall be part of the state highway system without compensation
12 to the [city or town] municipality.

13 Section 94. Section **72-4-106**, which is renumbered from Section 27-12-31.1 is
14 renumbered and amended to read:

15 ~~[27-12-31.1].~~ **72-4-106. State highways -- SR-6, SR-9, SR-10.**

16 ~~[The following named roads are designated as state]~~ State highways include:

17 (1) SR-6. From the Utah-Nevada state line easterly [~~via~~] through Delta and Tintic Junction
18 to the northbound ramps of the North Santaquin Interchange of Route 15; then [~~commencing~~]
19 beginning again at the Moark Connection Interchange of Route 15 easterly [~~via~~] through Spanish
20 Fork Canyon and Price to Route 70 west of Green River.

21 (2) SR-9. From [~~a junction with~~] Route 15 at Harrisburg Junction easterly to Zion National
22 Park south boundary [~~, and from~~] through the Zion National Park east boundary to Route 89 at Mt.
23 Carmel Junction.

24 (3) SR-10. From a junction with Route 70 [~~near~~] east of Fremont Junction northeasterly
25 to Route 55 in Price.

26 Section 95. Section **72-4-107**, which is renumbered from Section 27-12-32.1 is
27 renumbered and amended to read:

28 ~~[27-12-32.1].~~ **72-4-107. State highways -- SR-11 to SR-20.**

29 ~~[The following named roads are designated as state]~~ State highways include:

30 (1) SR-11. From the Utah-Arizona state line south of Kanab northerly to Route 89 in
31 Kanab.

1 (2) SR-12. From Route 89 at Bryce Canyon Junction easterly [via] through Tropic
2 Junction and Escalante then northerly [via] through Boulder and Grover to Route 24 east of
3 Torrey.

4 (3) SR-13. From [~~a junction with~~] Route 91 in Brigham City northerly [via] through Bear
5 River and Haws Corner to 20800 North, northwest of Plymouth, [~~thence~~] then west to the
6 southbound on- and off-ramps of Route 15 Plymouth Interchange.

7 (4) SR-14. From [~~a junction with~~] Route 130 in Cedar City southeasterly to Route 89 at
8 Long Valley Junction.

9 (5) SR-15. From the Utah-Arizona state line near St. George to the Utah-Idaho state line
10 south of Malad, Idaho, [~~traversing the alignment of~~] on interstate Route 15.

11 (6) SR-16. From the Utah-Wyoming state line [~~at a point~~] northwesterly ten miles
12 [~~southeasterly from~~] through Woodruff then northerly to Route 30 at Sage Creek Junction.

13 (7) SR-17. From Route 9 in LaVerkin northerly to Route 15 at Anderson Junction.

14 (8) SR-18. From Route 15 in south [~~of~~] St. George northerly to Route 56 at Beryl
15 Junction.

16 (9) SR-19. From Route 70 west of Green River easterly [via] through Green River to
17 Route 70 near Elgin.

18 (10) SR-20. From Route 15, 14 miles north of Paragonah easterly to Route 89 at Orton.

19 Section 96. Section **72-4-108**, which is renumbered from Section 27-12-33.1 is
20 renumbered and amended to read:

21 **[27-12-33.1].** **72-4-108.** **State highways -- SR-21 to SR-26, SR-28 to SR-30.**

22 [The following named roads are designated as state] State highways include:

23 (1) SR-21. From the Utah-Nevada state line near Garrison southerly and easterly to
24 Beaver [~~on~~] to Route 160.

25 (2) SR-22. From Antimony Bridge northerly to Route 62.

26 (3) SR-23. From Route 91 south of Wellsville northerly [via] through Wellsville,
27 Mendon, Petersboro, Newton, and Cornish to the Utah-Idaho state line near Weston, Idaho.

28 (4) SR-24. From Route 50 near Salina southerly [via] through Loa to Hanksville; [~~thence~~]
29 then northeasterly to Route 70 at Buckmaster Interchange west of Green River.

30 (5) SR-25. From Fish Lake Junction on Route 24 northerly to near Bowery Haven
31 Campground.

1 (6) SR-26. From Route 126 in Roy easterly to Route 89 in Ogden.

2 (7) SR-28. From Route 89 in Gunnison northerly [via] through Levan to the southbound
3 on- and off-ramps of Route 15 at the South Nephi Interchange.

4 (8) SR-29. From Joes Valley Reservoir easterly [via] through Orangeville Junction to
5 Route 10 north of Castle Dale.

6 (9) SR-30. From the Utah-Nevada state line northeasterly [via] through Curlew Junction
7 to Route 84 west of Snowville; [~~thence commencing~~] then beginning again at a junction with
8 Route 15 west of Riverside easterly [via] through Collinston to Route 91 in Logan; [~~thence~~
9 ~~commencing~~] then beginning again at a junction with Route 89 in Garden City southeasterly [via]
10 through Sage Creek Junction to the Utah-Wyoming state line.

11 Section 97. Section **72-4-109**, which is renumbered from Section 27-12-34.1 is
12 renumbered and amended to read:

13 [~~27-12-34.1~~]. **72-4-109. State highways -- SR-31, SR-32, SR-34 to SR-40.**

14 [~~The following named roads are designated as state~~] State highways include:

15 (1) SR-31. From Route 89 in Fairview southeasterly to Route 10 in Huntington.

16 (2) SR-32. From Route 40 north of Heber City, northeasterly to a junction with Route 35
17 at Francis; [~~thence~~] then north [via] through Kamas to the Route 80 westbound off-ramp northeast
18 of Wanship.

19 (3) SR-34. From Route 18 east [via] on 100 North Street in St. George to the east side
20 curb of River Road.

21 (4) SR-35. From Route 32 at Francis southeasterly [via] through Tabiona to Route 87
22 north of Duchesne.

23 (5) SR-36. Two separate sections from Route 6 to Tintic Junction: the first, beginning
24 near mile post 138 to Tintic Junction, and the second, beginning near mile post 136 to Tintic
25 Junction, [~~thence~~] then northerly [via] through Tooele and Mills Junction to Route 80 at the
26 Tooele-Grantsville Interchange.

27 (6) SR-37. From Route 126 in Sunset west [via] through Clinton to south of Hooper;
28 [~~thence~~] then northerly through Hooper to west of [~~Kanesville~~] West Haven; [~~thence~~] then east [via
29 ~~Kanesville~~] through West Haven to Route 108 near Roy.

30 (7) SR-38. From Route 13 in Brigham City northerly [via] through Honeyville and
31 Deweyville to Route 30 in Collinston.

1 (8) SR-39. From Route 134 easterly [via] on Twelfth Street in Ogden and Ogden Canyon
2 to Route 16 in Woodruff.

3 (9) SR-40. From Route 80 at Silver Creek Junction [~~easterly via~~] southerly through Heber
4 City[;] then easterly through Duchesne, [and] Vernal, and Jensen to the Utah-Colorado state line.

5 Section 98. Section **72-4-110**, which is renumbered from Section 27-12-35.1 is
6 renumbered and amended to read:

7 ~~[27-12-35.1].~~ **72-4-110. State highways -- SR-41 to SR-46, SR-48, SR-50.**

8 [The following named roads are designated as state] State highways include:

9 (1) SR-41. From Route 15 south of Nephi northerly [via] through Nephi to Route 15 north
10 of Nephi.

11 (2) SR-42. From the Utah-Idaho state line near Strevell, Idaho, easterly to Route 30 at
12 Curlew Junction.

13 (3) SR-43. From the Utah-Wyoming state line about 6-1/2 miles west of Manila easterly
14 through Manila to the Utah-Wyoming state line about three miles east of Manila.

15 (4) SR-44. From Route 191 at Greendale Junction northwesterly to Route 43 in Manila.

16 (5) SR-45. From the Evacuation Wash Area south of Bonanza northwesterly [via] through
17 Bonanza to Route 40 southeast of Vernal, near Naples.

18 (6) SR-46. From Route 191 at LaSal Junction easterly to the Utah-Colorado state line.

19 (7) SR-48. From a point 1.8 miles west of the post office in Copperton easterly to North
20 Holden Street in Midvale; [thence] then north [via] on North Holden Street and 700 West Street
21 to 7200 South Street; [thence] then east to Route 89.

22 (8) SR-50. From Route 6 in Delta southeasterly to Holden, [thence] then northerly to
23 Route 15 and [commencing] beginning again at Route 15 near Scipio; [thence] then easterly to
24 Main Street in Scipio; [thence] then south [via] on Main Street to Center Street in Scipio; [thence]
25 then southeasterly to a junction with Route 89 in Salina.

26 Section 99. Section **72-4-111**, which is renumbered from Section 27-12-36.1 is
27 renumbered and amended to read:

28 ~~[27-12-36.1].~~ **72-4-111. State highways -- SR-51 to SR-60.**

29 [The following named roads are designated as state] State highways include:

30 (1) SR-51. From Route 147 in Spanish Fork northeasterly to Route 89 in Springville.

31 (2) SR-52. From Route 114 easterly [via] on 8th North in Orem to Route 189 at Olmstead.

1 (3) SR-53. From Route 15 easterly [via] on Twenty-fourth Street in Ogden to Route 89.

2 (4) SR-54. From Mona easterly to the on and off ramps east of Route 15 at the Mona
3 Interchange.

4 (5) SR-55. From Route 6 west of Price easterly [coincident with] on First North Street to
5 3rd East Street; [thence] then south [coincident with] on 3rd East Street to Main Street; [thence]
6 then easterly and southerly to Route 6 near Price southeast corporate limits.

7 (6) SR-56. From the Utah-Nevada state line easterly to Route 130 in Cedar City.

8 (7) SR-57. From Route 10 northerly to the Wilberg Mine northwest of Orangeville.

9 (8) SR-58. From the Utah-Nevada state line easterly [via] through Wendover to Route 80.

10 (9) SR-59. From the Utah-Arizona state line northwesterly to Route 9 in Hurricane.

11 (10) SR-60. From Route 26 at Riverdale Junction easterly to Route 89.

12 Section 100. Section **72-4-112**, which is renumbered from Section 27-12-37.1 is
13 renumbered and amended to read:

14 **[27-12-37.1]. 72-4-112. State highways -- SR-61 to SR-66, SR-68, and SR-70.**

15 [The following named roads are designated as state] State highways include:

16 (1) SR-61. From Route 23 [at] in Cornish easterly to Route 91 at Webster Junction.

17 (2) SR-62. From Route 89 south of Junction easterly [via] through Kingston to near Otter
18 Creek Reservoir; [thence] then northerly to Route 24 at Plateau Junction.

19 (3) SR-63. From Bryce National Park north boundary northerly to Tropic Junction on
20 Route 12.

21 (4) SR-64. From Route 15 south of Holden northerly to Route 50.

22 (5) SR-65. From Route 80 near Mt. Dell Reservoir northeasterly [via] on the Brigham
23 Young Memorial Highway to Henefer; [thence] then northeasterly to Route 84.

24 (6) SR-66. From Route 65 near East Canyon Reservoir northerly [via] through Porterville
25 to Route 84 in Morgan.

26 (7) SR-68. From Route 6 at Elberta northerly [via] on Redwood Road and Fifth South
27 Street in Bountiful to a junction with Route 106, 2nd West, in Bountiful.

28 (8) SR-70. From Route 15 near Cove Fort to the Utah-Colorado state line west of Grand
29 Junction, Colorado, [~~traversing the alignment of~~] on interstate Route 70.

30 Section 101. Section **72-4-113**, which is renumbered from Section 27-12-38.1 is
31 renumbered and amended to read:

1 ~~[27-12-38.1].~~ **72-4-113. State highways -- SR-71 to SR-80.**

2 [The following named roads are designated as state] State highways include:

3 (1) SR-71. From Route 68 in Riverton easterly to Seventh East Street in Draper; [thence]
4 then northerly [via] on Seventh East and Ninth East Streets to Route 186 at Seventh East Street
5 and Fourth South Street in Salt Lake City.

6 (2) SR-72. From Route 24 in Loa northerly to a junction with Route 70 and Route 10 near
7 Fremont Junction.

8 (3) SR-73. From Route 36 northeast of St. John Station southeasterly [via] on Five Mile
9 Pass; [thence] then northeasterly [via Lehi] to Route 89 [east of] in Lehi.

10 (4) SR-74. From Route 89 in American Fork northerly to Alpine.

11 (5) SR-75. From Route 15 northwest of Springville easterly to Route 89 near Ironton.

12 (6) SR-76. From Route 70 easterly to old Fremont Junction on Route 72.

13 (7) SR-77. From Route 147 north of Benjamin north [via] through Barney Corner;
14 [thence] then easterly to Route 89 in Springville.

15 (8) SR-78. From Route 15 at the Mills Junction Interchange northerly to west of Levan;
16 [thence] then east to Route 28 in Levan.

17 (9) SR-79. From Route 126 easterly [via] on Thirty-first Street in Ogden to the lane
18 separation, [thence] then on eastbound lane only to Route 89; then easterly [via] on Thirtieth Street
19 to Route 203; [commencing] beginning again at Thirtieth Street and Route 89 then westerly on the
20 westbound lane only to merge with eastbound lanes.

21 (10) SR-80. From the Utah-Nevada state line in Wendover to the Utah-Wyoming state
22 line west of Evanston, Wyoming, [traversing the alignment of] on Interstate 80.

23 Section 102. Section **72-4-114**, which is renumbered from Section 27-12-39.1 is
24 renumbered and amended to read:

25 ~~[27-12-39.1].~~ **72-4-114. State highways -- SR-81 to SR-84, SR-86 to SR-90.**

26 [The following named roads are designated as state] State highways include:

27 (1) SR-81. From Route 30 north to Fielding.

28 (2) SR-82. From Route 102 north [via] on 300 East Street in Tremonton to Garland;
29 [thence] then east approximately 0.8 mile; [thence] then north to Route 13.

30 (3) SR-83. From Route 13 in Corinne westerly to Lampo Junction; [thence] then northerly
31 to Route 84 at Howell Interchange.

1 (4) SR-84. From the Utah-Idaho state line near Snowville to a point on Route 15 at the
2 Tremonton Interchange; [thence] then from another point on Route 15 near Roy to Route 80 near
3 Echo, traversing the alignment of interstate Route 84.

4 (5) SR-86. From Route 65 at Henefer westerly to Route 84.

5 (6) SR-87. From Route 40 in Duchesne northerly; [thence] then easterly [via] through
6 Altamont; thence southeasterly [via] through Upalco; [thence] then east to Route 40 southwest of
7 Roosevelt.

8 (7) SR-88. From the south end of the Green River Bridge south of Ouray northerly to
9 Route 40 east of Ft. Duchesne.

10 (8) SR-89. From the Utah-Arizona state line northwest of Page, Arizona, westerly to
11 Kanab; [thence] then northerly to a junction with Route 70 near Sevier Junction; [thence
12 commencing] then beginning again at the junction with Route 70 south of Salina, northerly [via]
13 through Salina, Gunnison and Mt. Pleasant to a junction with Route 6 at Thistle Junction; [then
14 commencing] beginning again at a junction with Route 6 at Moark Junction northerly [via] through
15 Springville, Provo, Orem, and American Fork to Route 15 north of Lehi; then [commencing]
16 beginning again at a junction with Route 15 near Draper Crossroads northerly via Murray and Salt
17 Lake City to a junction with Route 15 at Beck Interchange; then [commencing] beginning again
18 at a junction with Route 15 near Orchard Drive northerly [via] through Bountiful to a junction with
19 Route 15 at North Bountiful Interchange; then [commencing] beginning again at a junction with
20 Route 15 at Lagoon Junction northerly [via] through Uintah Junction and Ogden to Route 91 near
21 south city limits of Brigham City; then [commencing] beginning again at a junction with Route
22 91 in Logan northeasterly to Garden City; [thence] then north to the Utah-Idaho state line.

23 (9) SR-90. From Route 13 in Brigham easterly [via] on 2nd South Street to Route 91.

24 Section 103. Section **72-4-115**, which is renumbered from Section 27-12-40.1 is
25 renumbered and amended to read:

26 ~~[27-12-40.1].~~ **72-4-115. State highways -- SR-91 to SR-100.**

27 [The following named roads are designated as state] State highways include:

28 (1) SR-91. From Route 15 south of Brigham City; [thence] the easterly [via] through
29 Brigham Canyon and Logan to the Utah-Idaho state line near Franklin, Idaho.

30 (2) SR-92. From Route 15 near Point of the Mountain east [via] through American Fork
31 Canyon to Route 189 in Provo Canyon.

1 (3) SR-93. From the on- and off-ramps on the west side of Route 15, east along the south
2 city limits of Woods Cross to Route 89.

3 (4) SR-94. From Route 70 northeasterly to Thompson.

4 (5) SR-95. From Route 24 east of Hanksville southerly crossing near the confluence of
5 the Dirty Devil and Colorado Rivers to a point 4.3 miles south of Blanding on Route 191.

6 (6) SR-96. From Clear Creek northerly [via] through Scofield to Route 6 near Colton.

7 (7) SR-97. From Route 108 east [via] on 5600 South Street in Roy to Hill Air Force Base.

8 (8) SR-98. From Route 37 at Hooper east to Route 108.

9 (9) SR-99. From Route 15 south of Fillmore northerly [via] through Fillmore to Route
10 15.

11 (10) SR-100. From Route 99 in Fillmore westerly then northerly to Route 50 west of
12 Holden.

13 Section 104. Section **72-4-116**, which is renumbered from Section 27-12-41.1 is
14 renumbered and amended to read:

15 ~~[27-12-41.1].~~ **72-4-116. State highways -- SR-101 to SR-110.**

16 ~~[The following named roads are designated as state]~~ State highways include:

17 (1) SR-101. From Wellsville on Route 23 easterly [via] through Hyrum to the Hardware
18 Ranch with a stub connection to the visitors' center and parking area.

19 (2) SR-102. From Route 83 east of Lampo Junction northeasterly [via] through Penrose
20 to Thatcher; [thence] then easterly [via] through Tremonton and Deweyville to Route 38.

21 (3) SR-103. From Route 126 in Clearfield easterly [via] on 650 North Street in Clearfield
22 to Hill Air Force Base main gate.

23 (4) SR-104. From Route 126 easterly [via] on Wilson Lane, Twentieth Street, and
24 Twenty-first Street in Ogden to Route 204.

25 (5) SR-105. From Route 15 east [via] on Parrish Lane in Centerville to Route 106.

26 (6) SR-106. From Route 89 northerly [via] on Second West and Fourth North Street in
27 Bountiful; [thence] then northerly to Sheppard Lane in Farmington; [thence] then west [via] on
28 Sheppard Lane to Route 89.

29 (7) SR-107. From Route 110 west of West Point easterly [via] through West Point to
30 Route 126 in Clearfield.

31 (8) SR-108. From the I-15 north bound on- and off-ramps at the Hill Field South Gate

1 Interchange in Layton west to Syracuse; [thence] then north into Weber County; [thence] then
2 northeasterly to Route 126.

3 (9) SR-109. From Route 126 easterly [via] through Layton to Route 89.

4 (10) SR-110. From Route 127 west of Syracuse north to Route 37 west of Clinton.

5 Section 105. Section **72-4-117**, which is renumbered from Section 27-12-42.1 is
6 renumbered and amended to read:

7 ~~[27-12-42.1].~~ **72-4-117. State highways -- SR-111 to SR-120.**

8 [The following named roads are designated as state] State highways include:

9 (1) SR-111. From Route 48 east of Copperton northerly [via] through Bacchus to Route
10 201 northeast of Magna.

11 (2) SR-112. From a point east of Grantsville on Route 138 southeasterly to Tooele on
12 Route 36.

13 (3) SR-113. From Route 189 in Charleston northerly to Midway; [thence] then easterly
14 to Route 40 in Heber City.

15 (4) SR-114. From Route 89 in Provo westerly [via] on Center Street to Geneva Road;
16 [thence] then northerly [via] through Lakeview, Vineyard, and Geneva to Route 89 in Pleasant
17 Grove.

18 (5) SR-115. From Route 6 in Payson northerly to Benjamin; [thence] then easterly to
19 Route 156 in Spanish Fork.

20 (6) SR-116. From Route 132 in Moroni easterly to Route 89 in Mt. Pleasant.

21 (7) SR-117. From Wales easterly [via] through Chester to Spring City; [thence] then
22 northeasterly to Route 89.

23 (8) SR-118. From Route 70 easterly [via] through Joseph and Monroe; [thence] then
24 northerly to Route 120 in south Richfield. [Commencing] Beginning again with Route 120 at 300
25 North in Richfield, northeasterly to Route 24 near Sigurd.

26 (9) SR-119. From Route 118 in Richfield easterly to Route 24 at Kings Meadow Canyon.

27 (10) SR-120. From Route 70 easterly to Main Street in Richfield; [thence] then northerly
28 [via] on Main Street to Route 70 north of Richfield.

29 Section 106. Section **72-4-118**, which is renumbered from Section 27-12-43.1 is
30 renumbered and amended to read:

31 ~~[27-12-43.1].~~ **72-4-118. State highways -- SR-121 to SR-128, SR-130.**

1 [The following named roads are designated as state] State highways include:

2 (1) SR-121. From Route 40 in Roosevelt northerly to Neola; [thence] then easterly [via]
3 through LaPoint and Maeser to Route 40 in Vernal.

4 (2) SR-122. From the Utah Railway right-of-way line near Hiawatha easterly to Route 10
5 near Carbon-Emery County line.

6 (3) SR-123. From Route 6 at Sunnyside Junction easterly to Sunnyside.

7 (4) SR-124. From Horse Canyon coal mine northerly [via] through Columbia Junction
8 to Route 123.

9 (5) SR-125. From Route 50 east of Delta easterly to Oak City; [thence] then northerly to
10 Route 132 near Leamington.

11 (6) SR-126. From Route 15 south of Layton northerly to Route 89 at Hot Springs
12 Junction.

13 (7) SR-127. From Route 110 easterly [via] on Syracuse Road to a junction with Route 108
14 in Syracuse.

15 (8) SR-128. From Route 191 near Moab northeasterly along south bank of Colorado River
16 to Dewey; [thence] then northerly to Route 70 approximately six miles west of Cisco.

17 (9) SR-130. From Route 15 northerly [via] through Cedar City to Route 21 north of
18 Minersville.

19 Section 107. Section **72-4-119**, which is renumbered from Section 27-12-44.1 is
20 renumbered and amended to read:

21 ~~[27-12-44.1]~~. **72-4-119**. **State highways -- SR-131 to SR-134, SR-136 to**
22 **SR-140.**

23 [The following named roads are designated as state] State highways include:

24 (1) SR-131. From Route 15 east [via] on 400 North Street in Bountiful to Route 106.

25 (2) SR-132. From Route 6 in Lynndyl northeasterly [via] through Leamington to Nephi;
26 [thence] then southeasterly [via] through Fountain Green and Moroni to Route 89 at Pigeon
27 Hollow Junction.

28 (3) SR-133. From Kanosh south city limits north [via] through Meadow to Route 15 north
29 of Meadow.

30 (4) SR-134. From Route 37 at Kanesville northerly to Plain City; [thence] then easterly
31 to Route 89 in Pleasant View.

1 (5) SR-136. From a junction with Route 50 and 125 east of Delta north to Route 6
2 (unconstructed).

3 (6) SR-137. From Route 89 in Gunnison easterly to Mayfield; [thence] then northerly to
4 Route 89.

5 (7) SR-138. From Route 80 at Stansbury Interchange southeasterly [via] through
6 Grantsville to Route 36 at Mills Junction.

7 (8) SR-139. From Route 6 northerly to Route 157 near Spring Glen.

8 (9) SR-140. From Route 68 at Bluffdale easterly coincident with the Bluffdale Road to
9 the on and off access ramps on the east side of Route 15.

10 Section 108. Section **72-4-120**, which is renumbered from Section 27-12-45.1 is
11 renumbered and amended to read:

12 **[27-12-45.1]. 72-4-120. State highways -- SR-141 to SR-151.**

13 [The following named roads are designated state] State highways include:

14 (1) SR-141. From Route 6 in Genola to Route 147 west of Payson.

15 (2) SR-142. From Route 23 near Newton to Clarkston; [thence] then easterly [via] through
16 Trenton to Route 91 in Richmond.

17 (3) SR-143. From Route 15 west of Parowan easterly [via] through Parowan, then
18 southerly to the Panguitch Lake Road, then easterly and northerly coincident with the Panguitch
19 Lake Road to Route 89 in Panguitch.

20 (4) SR-144. From Route 92 in American Fork Canyon northerly to Tibble Fork Reservoir.

21 (5) SR-145. From Route 15 east [via] on Main Street in American Fork [Main Street] to
22 Route 89.

23 (6) SR-146. From Route 89 at Pleasant Grove northerly to Route 92 near the mouth of
24 American Fork Canyon.

25 (7) SR-147. From Route 6 at Payson westerly to McBeth Corner; [thence] then northerly
26 four miles; [thence] then east approximately three miles to Benjamin; [thence] then north
27 approximately one mile; [thence] then easterly crossing Route 89 one mile; [thence] then north to
28 Mapleton; [thence] then west to Route 89.

29 (8) SR-148. From Route 14 north to Cedar Breaks National Monument south boundary.

30 (9) SR-149. From Route 40 at Jensen northerly to Dinosaur National Monument
31 boundary.

1 (10) SR-150. From Route 32 in Kamas easterly to Mirror Lake and northerly to
2 Utah-Wyoming state line.

3 (11) SR-151. From Route 68 east [via] on 10400 South Street to 1300 West Street;
4 [thence] then southeasterly to 10600 South Street; [thence] then east [via] on 10600 South Street
5 to [State] Route 15.

6 Section 109. Section **72-4-121**, which is renumbered from Section 27-12-46.1 is
7 renumbered and amended to read:

8 **[27-12-46.1]. 72-4-121. State highways -- SR-152 to SR-160.**

9 [The following named roads are designated as state] State highways include:

10 (1) SR-152. From Route 71 at 4800 South Street southeasterly [via] on Van Winkle
11 Expressway to the Route 215 Interchange near 6400 South Street.

12 (2) SR-153. From Route 160 in Beaver easterly [via] by Puffer Lake to Route 89 in
13 Junction City.

14 (3) SR-154. From Route 15 westerly near 13400 South [via ~~the~~] on Bangerter Highway
15 to near 3200 West; [thence] then northerly to the westbound off ramp of Route 80 near the Salt
16 Lake International Airport.

17 (4) SR-155. From Route 10 in Huntington northeasterly to Cleveland; [thence] then
18 northerly to Route 10 at Washboard Junction.

19 (5) SR-156. From Route 6 in Spanish Fork north [via] on Main Street to I-15.

20 (6) SR-157. From Route 244 at Poplar and Main Streets in Helper southerly and
21 northeasterly to Kenilworth.

22 (7) SR-158. From Eden Junction on Route 39 northerly to the parking lot of Powder
23 Mountain Ski Resort.

24 (8) SR-159. From Route 21 near Garrison north to Route 6 near the Utah-Nevada state
25 line.

26 (9) SR-160. From Route 15 south of Beaver northerly [via] through Beaver to Route 15
27 north of Beaver.

28 Section 110. Section **72-4-122**, which is renumbered from Section 27-12-47.1 is
29 renumbered and amended to read:

30 **[27-12-47.1]. 72-4-122. State highways -- SR-161, SR-163 to SR-165, SR-167,**
31 **SR-168.**

1 [The following named roads are designated as state] State highways include:

2 (1) SR-161. From Route 70 near Cove Fort northwesterly to Route 15.

3 (2) SR-163. From the Utah-Arizona state line southwest of Mexican Hat northeasterly to
4 Route 191 near Bluff and [commencing] beginning again on Route 191 at Bluff easterly to Route
5 262 at Montezuma Creek.

6 (3) SR-164. From Route 15 southwest of Spanish Fork easterly to Route 6 one-half mile
7 south of Spanish Fork.

8 (4) SR-165. From Paradise northerly [via] through Hyrum and Nibley to Route 91 in
9 Logan.

10 (5) SR-167. From Route 84 near Mountain Green northerly [coincident with the] on
11 Trappers Loop Road to Route 39 south of Huntsville.

12 (6) SR-168. From the north entrance of Hill Air Force Base northerly to Route 60 in
13 Riverdale.

14 Section 111. Section **72-4-123**, which is renumbered from Section 27-12-48.1 is
15 renumbered and amended to read:

16 ~~[27-12-48.1].~~ **72-4-123. State highways -- SR-171 to SR-174, SR-180.**

17 [The following named roads are designated as state] State highways include:

18 (1) SR-171. From Route 111 at Eighty-fourth West Street and Thirty-fifth South Street
19 easterly [via] on Thirty-fifth South Street and Thirty-third South Street to Route 215 at the
20 east-side belt route.

21 (2) SR-172. From 6200 South north [coincident with] on 5600 West to Route 80.

22 (3) SR-173. From Route 111 southeast of Magna easterly [via] through Kearns and
23 Murray to Route 89 at 5300 South Street in Murray.

24 (4) SR-174. From Intermountain Power Plant maingate southeasterly to Route 6 south of
25 Lynndyl.

26 (5) SR-180. From Route 15 southeast of American Fork northerly [via] on Fifth East
27 Street to Route 89 in American Fork.

28 Section 112. Section **72-4-124**, which is renumbered from Section 27-12-49.1 is
29 renumbered and amended to read:

30 ~~[27-12-49.1].~~ **72-4-124. State highways -- SR-181, SR-184, SR-186, SR-189,**

31 **SR-190.**

1 [The following named roads are designated as state] State highways include:

2 (1) SR-181. From Route 152 north [via] on Thirteenth East Street to Route 186 in Salt
3 Lake City.

4 (2) SR-184. From Route 89 at North Temple and State Streets in Salt Lake City northerly
5 [via] on State Street to the State Capitol; [thence] then westerly [via] on Second North and
6 northerly [via] on Columbus Street and Victory Road to Route 89 at Beck Street.

7 (3) SR-186. From Route [80] 89 east [via] on North Temple Street in Salt Lake City to
8 Third West Street; [thence] then south [via] on Third West Street to Fourth South Street; [thence]
9 then easterly [via] on Fourth South, Tenth East, Fifth South Streets, and Foothill Boulevard to
10 Route 80 near the mouth of Parley's Canyon.

11 (4) SR-189. From Route 15 south of Provo northerly [via] on University Avenue and
12 Provo Canyon to Route 40 south of Heber.

13 (5) SR-190. From Route 215 at Knudsen's Corner southeasterly to Route 210 at the mouth
14 of Big Cottonwood Canyon; [thence] then easterly [via] through Big Cottonwood Canyon to
15 Brighton, including Brighton Loop; [thence] then easterly [via] through Guardsman Pass to the
16 Salt Lake-Wasatch County line.

17 Section 113. Section **72-4-125**, which is renumbered from Section 27-12-50.1 is
18 renumbered and amended to read:

19 [~~27-12-50.1~~]. **72-4-125**. **State highways -- SR-191, SR-193, SR-195, SR-197 to**
20 **SR-200.**

21 [The following named roads are designated as state] State highways include:

22 (1) SR-191. From the Utah-Arizona state line south of Bluff northerly [via] through
23 Blanding, Monticello, and Moab to Route 70 at Crescent Junction; then [commencing] beginning
24 again from Route 6 north of Helper northerly [via] through Indian Canyon to Route 40 at
25 Duchesne; then [commencing] beginning again from Route 40 at Vernal northerly [via] through
26 Greendale Junction and Dutch John to the Utah-Wyoming state line.

27 (2) SR-193. From Route 126 in Clearfield east [via] through the south entrance to Hill Air
28 Force Base to Route 89.

29 (3) SR-195. From Route 266 near Holladay north [via] on Twenty-third East Street to
30 Route 80.

31 (4) SR-197. From Route 73 northerly [via] on Fifth West Street to Route 89 in Lehi.

1 (5) SR-198. From Route 15 northbound ramps of the North Santaquin Interchange
2 northeasterly [via] through Spring Lake, to 100 North in Payson; then easterly and northeasterly
3 [via] through Salem to 300 South in Spanish Fork; then easterly and southeasterly to Route 6 at
4 Moark Junction.

5 (6) SR-199. From Dugway Proving Grounds main gate northeasterly [via] through Clover
6 to Route 36.

7 (7) SR-200. From Route 61 in Lewiston, approximately three miles west of Route 91,
8 north to the Utah-Idaho state line.

9 Section 114. Section **72-4-126**, which is renumbered from Section 27-12-51.1 is
10 renumbered and amended to read:

11 ~~[27-12-51.1].~~ **72-4-126.** State highways -- SR-201 to SR-204, SR-208 to
12 SR-211.

13 [The following named roads are designated as state] State highways include:

14 (1) SR-201. From Route 80 at Lake Point Junction east [via] on Twenty-first South Street
15 to Route 89 in Salt Lake City.

16 (2) SR-202. From Route 201 near Garfield northwesterly [via] through the Garfield Cutoff
17 to Route 80.

18 (3) SR-203. From Route 89 near Uintah northerly [via] on Harrison Boulevard in Ogden
19 to Route 39.

20 (4) SR-204. From Route 26 north [via] on Wall Avenue in Ogden to Route 89.

21 (5) SR-208. From Route 40 east of Fruitland northerly to Route 35 near Tabiona.

22 (6) SR-209. From Route 68 easterly [via] on Ninetieth South Street; [thence] then
23 southeasterly to Ninety-fourth South Street; [thence] then easterly to Route 210 near the mouth
24 of Little Cottonwood Canyon.

25 (7) SR-210. From Route 190 at the mouth of Big Cottonwood Canyon southeasterly [via]
26 on Wasatch Boulevard[;] and through Little Cottonwood Canyon, to Alta, including the Alta
27 Bypass.

28 (8) SR-211. From Dugout Ranch southeasterly; [thence] then northeasterly to Route 191
29 near Church Rock.

30 Section 115. Section **72-4-127**, which is renumbered from Section 27-12-52.1 is
31 renumbered and amended to read:

1 ~~[27-12-52.1].~~ **72-4-127. State highways -- SR-212, SR-215, SR-218, SR-219.**

2 ~~[The following named roads are designated as state]~~ State highways include:

3 (1) SR-212. From the northwest frontage road of Washington Interchange southeasterly;
4 ~~[thence]~~ then northeasterly and easterly to 300 East Street in Washington.

5 (2) SR-215. From a junction with Route 80 near the mouth of Parley's Canyon southeast
6 of Salt Lake City, southwesterly to near the south city limits of Murray, junctioning with Route
7 15, ~~[thence]~~ then northwesterly, northerly, and easterly to a junction with Route 15 north of Salt
8 Lake City, ~~[traversing the alignment of]~~ on interstate Route 215.

9 (3) SR-218. From Route 23 east of Newton easterly to Route 91 in Smithfield.

10 (4) SR-219. From the 1984 west corporate limits of Enterprise east to Route 18.

11 Section 116. Section **72-4-128**, which is renumbered from Section 27-12-53.1 is
12 renumbered and amended to read:

13 ~~[27-12-53.1].~~ **72-4-128. State highways -- SR-224 to SR-228.**

14 ~~[The following named roads are designated as state]~~ State highways include:

15 (1) SR-224. From Route 113 in Midway northerly to Pine Creek Campground;
16 ~~[commencing]~~ beginning again at Wasatch-Summit County line ~~[via]~~ through Ontario Canyon and
17 Park City to Route 80 at Kimball Junction.

18 (2) SR-225. From Route 15 east ~~[via]~~ on Burke Lane to Route 106 in Farmington.

19 (3) SR-226. From Snow Basin northeasterly to Route 39 near Huntsville.

20 (4) SR-227. From Route 15 near Glover Lane north ~~[via]~~ on Walker Lane to State Street;
21 ~~[thence]~~ then east to Route 106 in Farmington.

22 (5) SR-228. From the northbound off-ramp of Route 15 at the South Leeds Interchange;
23 then northerly ~~[via]~~ on Main Street in Leeds to the northbound on-ramp of Route 15; then westerly
24 to the southbound off-ramp of Route 15; and from the southbound on-ramp of Route 15 easterly
25 to Main Street in Leeds.

26 Section 117. Section **72-4-129**, which is renumbered from Section 27-12-54.1 is
27 renumbered and amended to read:

28 ~~[27-12-54.1].~~ **72-4-129. State highways -- SR-232, SR-235, SR-237 to SR-240.**

29 ~~[The following named roads are designated as state]~~ State highways include:

30 (1) SR-232. From Route 126 in Layton north to the south entrance to Hill Air Force Base.

31 (2) SR-235. From Route 89 in Ogden north to North Ogden; ~~[thence]~~ then west to Route

1 89 in Pleasant View.

2 (3) SR-237. From Seventh North Street and Eighth East Street in Logan northerly to Hyde
3 Park; [thence] then west to Route 91 west of Hyde Park.

4 (4) SR-238. From Route 165 east to Millville; [thence] then northerly [via] through
5 Providence and River Heights to Route 91 in Logan.

6 (5) SR-239. From Route 91 in Logan east [~~coincident with~~] on 1400 North Street to Route
7 237.

8 (6) SR-240. From Route 15 east to Route 38 in Honeyville.

9 Section 118. Section **72-4-130**, which is renumbered from Section 27-12-55.1 is
10 renumbered and amended to read:

11 ~~[27-12-55.1].~~ **72-4-130. State highways -- SR-241, SR-243, SR-244, SR-248.**

12 [~~The following named roads are designated as state~~] State highways include:

13 (1) SR-241. From SR-114 east [via] on 1600 North in Orem to the on- and off-ramps on
14 the east side of interstate Route 15.

15 (2) SR-243. From Route 89 in Logan Canyon to Beaver Mountain Ski Resort.

16 (3) SR-244. From Route 6 in Helper easterly [via] on Poplar Street to Main Street;
17 [thence] then northerly [via] on Main Street to Route 6.

18 (4) SR-248. From Route 224 at Park City Junction to Route 40 at the Park City
19 Interchange; [thence] then southeasterly and easterly to Route 32 in Kamas.

20 Section 119. Section **72-4-131**, which is renumbered from Section 27-12-56.1 is
21 renumbered and amended to read:

22 ~~[27-12-56.1].~~ **72-4-131. State highways -- SR-256 to SR-260.**

23 [~~The following named roads are designated as state~~] State highways include:

24 (1) SR-256. From 89 north of Salina northerly [via] through Redmond to [a point on]
25 Route 89 south of Axtell.

26 (2) SR-257. From Route 21 at Milford northeasterly [via] through Black Rock and
27 Deseret to Route 6 near Hinckley.

28 (3) SR-258. From Route 70 near Elsinore easterly to Route 118 east of Elsinore.

29 (4) SR-259. From Route 24 near Sigurd, north to I-70 at the Sigurd Interchange.

30 (5) SR-260. From Route 24 south of Aurora to Route 50 west of Salina.

31 Section 120. Section **72-4-132**, which is renumbered from Section 27-12-57.1 is

1 renumbered and amended to read:

2 ~~[27-12-57.1].~~ **72-4-132. State highways -- SR-261, SR-262, SR-264 to SR-266,**
3 **SR-268 to SR-270.**

4 [~~The following named roads are designated as state~~] State highways include:

5 (1) SR-261. From Route 163 north of Mexican Hat to Route 95 east of Natural Bridges
6 National Monument.

7 (2) SR-262. From [~~a point on~~] Route 191 approximately eleven miles north of Bluff
8 easterly and southerly to [~~a point~~] near the San Juan River Bridge; [~~thence~~] then southeasterly [~~via~~]
9 on Aneth to the Utah-Colorado state line.

10 (3) SR-264. From Route 31 easterly [~~via~~] through Flat Canyon and Eccles Canyon to
11 Route 96 south of Scofield.

12 (4) SR-265. From Route 114 near Twelfth South Street in Orem southeasterly to Route
13 189 in Provo.

14 (5) SR-266. From Route 215 easterly [~~via~~] on Forty-seventh South Street and Forty-fifth
15 South Street to Route 215.

16 (6) SR-268. From Route 15 easterly [~~via~~] on 600 North Street to Route 89 in Salt Lake
17 City.

18 (7) SR-269. From Route 15 [~~(interstate Route 15)~~] easterly [~~via~~] on Fifth and Sixth South
19 Streets to Route 89 in Salt Lake City, providing one-way couplets.

20 (8) SR-270. From Route 15 easterly and northerly [~~via~~] on West Temple Street to Route
21 186 in Salt Lake City.

22 Section 121. Section **72-4-133**, which is renumbered from Section 27-12-58.1 is
23 renumbered and amended to read:

24 ~~[27-12-58.1].~~ **72-4-133. State highways -- SR-271 to SR-276, SR-279, SR-280.**

25 [~~The following named roads are designated as state~~] State highways include:

26 (1) SR-271. From Route 274 in Parowan northeasterly to Route 15 north of Paragonah.

27 (2) SR-272. From Route 106 (Sheppard Lane) in Farmington northerly to North
28 Farmington Junction.

29 (3) SR-273. From Route 89 at North Farmington Junction northerly to Kaysville; [~~thence~~]
30 then west [~~via~~] on Cherry Street to Route 15.

31 (4) SR-274. From Route 143 in Parowan north [~~coincident with~~] on Main Street to Route

1 15 north of Parowan.

2 (5) SR-275. From Route 95 northwesterly to the east boundary of Natural Bridges
3 National Monument.

4 (6) SR-276. From Route 95 southerly to Glen Canyon National Recreation Area boundary
5 near Bullfrog Basin then [commencing] beginning again at the Glen Canyon National Recreation
6 Area boundary east of Halls Crossing easterly to Route 95.

7 (7) SR-279. From the Potash Plant north along the Colorado River to Route 191 north of
8 Moab.

9 (8) SR-280. From Route 80 near the south limits of Coalville easterly to Main Street in
10 Coalville.

11 Section 122. Section **72-4-134**, which is renumbered from Section 27-12-59.1 is
12 renumbered and amended to read:

13 ~~[27-12-59.1].~~ **72-4-134. State highways -- SR-282 to SR-290.**

14 ~~[The following named roads are designated as state]~~ State highways include:

15 (1) SR-282. At University of Utah.

16 (a) From 500 South Street north [via] on Campus Center Drive to South Campus Drive.

17 (b) From University Street and 400 South Street easterly and northeasterly [via] on South
18 Campus Drive to Wasatch Drive.

19 (c) From Foothill Boulevard Route 186 northerly [via] on Wasatch Drive to South Medical
20 Drive.

21 (d) From Wasatch Drive northerly [via] on South Medical Drive and West Medical Drive
22 to North Campus Drive; [thence] then south and southwest to University Street and 100 South
23 Street.

24 (2) SR-283. From Route 55 in Price north [via] on Third East Street to Sixth North Street;
25 [thence] then east [via] on Sixth North Street to Sixth East Street; [thence] then south [via] on
26 Sixth East Street to Fourth North Street; [thence] then west [via] on Fourth North Street to Third
27 East Street, providing a peripheral road around the College of Eastern Utah.

28 (3) SR-284. At Weber State University in Ogden.

29 (a) From 4100 South Street northerly [via] on the peripheral road to Edvalson Street;
30 [thence] then northwesterly and westerly [via] on 3700 South Street to Route 203, Harrison
31 Boulevard.

1 (b) From Route 203 easterly [via] on 4100 South Street to Taylor Avenue.

2 (c) Campus North Road from the north-south peripheral road easterly [via] on Edvalson
3 Street to Foothill Drive.

4 (d) From Route 203, Harrison Boulevard, easterly [via] on 3850 South Street to
5 north-south peripheral road.

6 (e) From Route 203, Harrison Boulevard, easterly [via] on 4000 South Street to the
7 north-south peripheral road.

8 (4) SR-285. The Institute for the Deaf. From Twentieth Street in Ogden northwesterly
9 to Monroe Avenue.

10 (5) SR-286. From Route 235 to and including a peripheral road at the State Industrial
11 School in Ogden.

12 (6) SR-287. From Route 140 northerly to the Utah State Prison Vehicle Direction Station.

13 (7) SR-288. From Route 89 at 1200 East in Logan, at Utah State University, [via] on
14 1200 East and 1000 North to Route 237.

15 (8) SR-289. At College of Southern Utah. From Route 130 in Cedar City westerly [via]
16 on Center Street to 1150 West Street; [thence] then south to Second South Street; [thence] then
17 east to Third West Street; [thence] then north to Center Street, providing a peripheral road around
18 the College of Southern Utah.

19 (9) SR-290. At Snow College. From Route 89 in Ephraim easterly [via] on First North
20 Street to Fourth East Street; [thence] then south to Center Street; [thence] then west to Route 89,
21 providing a peripheral road around Snow College.

22 Section 123. Section **72-4-135**, which is renumbered from Section 27-12-60.1 is
23 renumbered and amended to read:

24 ~~[27-12-60.1].~~ **72-4-135. State highways -- SR-291 to SR-300.**

25 [The following named roads are designated as state] State highways include:

26 (1) SR-291. The Institute for the Blind. From Route 203, Harrison Boulevard, near
27 Seventh Street in Ogden easterly and southerly to the hospital, including the loop on the southwest
28 side of the hospital.

29 (2) SR-292. At Salt Lake Community College.

30 (a) From 2200 West Street easterly [via] on 4520 South for 0.17 miles; [commencing]
31 beginning again at 0.47 mile easterly [via] on 4520 South to Route 68.

- 1 (b) From Route 68 westerly [via] on 4600 South for 0.80 miles; [thence] then northerly
2 [via] on 1900 West to 4520 South.
- 3 (c) From 4600 South northerly paralleling Route 68 to 4520 South.
- 4 (d) From 2200 West easterly [via] on Bruin Boulevard to Route 68.
- 5 (3) SR-293. At State Capitol Building. All roads and parking areas within the capitol
6 grounds.
- 7 (4) SR-294. At State Mental Hospital. From the main gate on Center Street in Provo
8 easterly to the administration building.
- 9 (5) SR-295. Those roads used for drivers' tests at 1200 West in Orem City.
- 10 (6) SR-296. At American Fork Training School. From 700 North in American Fork
11 northerly.
- 12 (7) SR-297. At State Fair Grounds.
- 13 (a) The roadway [commencing] beginning at the main gate of the Fair Grounds at 1st
14 North Street and 9th West Street in Salt Lake City, west to the roadway on the east side of the
15 Coliseum; [thence] then south to the roadway on the north side of the Coliseum; [thence] then west
16 to the roadway on the west side of the Coliseum; [thence] then south to the roadway on the north
17 side of the cattle barns; [thence] then east to the horticulture building; [thence] then north to the
18 roadway on the south side of the drivers' license building; [thence] then east to the roadway on the
19 east side of the drivers' license building; [thence] then north to the roadway near the main gate,
20 providing a peripheral road around the fair grounds area.
- 21 (b) The roadway from the peripheral road on the south, north to the peripheral road on the
22 north.
- 23 (c) The roadway from the peripheral road on the west, east [via] on the south side of the
24 Coliseum to Route 297-b.
- 25 (d) The roadway from Route 297-c north [via] on the east side of the Coliseum to the
26 peripheral road.
- 27 (e) The roadway from Route 297-d near the main entrance to the Coliseum, east to Route
28 297-b.
- 29 (f) The roadway from Route 297-b east to the peripheral road near the southwest corner
30 of the drivers' license building.
- 31 (g) The roadway, including the parking area, on the west side of the drivers' license

1 building, from Route 297-f north to the peripheral road.

2 (8) SR-298. Roads at the Browning Armory in South Ogden used for automotive drivers'
3 ability tests including parking areas.

4 (9) SR-299. Those roads used for drivers' tests at 2780 West and 4700 South in Salt Lake
5 County.

6 (10) SR-300. From the southwest boundary of Snow Canyon State Park northerly [via]
7 through Snow Canyon to Route 18.

8 Section 124. Section **72-4-136**, which is renumbered from Section 27-12-61.1 is
9 renumbered and amended to read:

10 ~~[27-12-61.1].~~ **72-4-136. State highways -- SR-301 to SR-304, SR-306, SR-308**
11 **to SR-310.**

12 [~~The following named roads are designated as state~~] State highways include:

13 (1) SR-301. From the boat ramp at Steinaker State Park northeasterly to Route 44 near
14 the north end of Steinaker Reservoir.

15 (2) SR-302. From Route 32 near the south end of Rockport Reservoir northwesterly to
16 a point near the north boundary of Rockport State Park.

17 (3) SR-303. From the Goblin Valley Overlook northerly to the Goblin Valley State Park
18 north boundary.

19 (4) SR-304. From the parking lot at the beach area in Hyrum State Park northwesterly to
20 a junction with Center Street and Fifth South Street in Hyrum City.

21 (5) SR-306. From the parking area north to Route 66 near the north end of East Canyon
22 Lake State Park.

23 (6) SR-308. From a local road at the south boundary of Kodachrome Basin State Park
24 northerly to where pavement ends and one way traffic begins.

25 (7) SR-309. From a local road northerly to the parking area at Millsite Lake State Park.

26 (8) SR-310. From the parking area at Minersville Lake State Park east to Route 21.

27 Section 125. Section **72-4-137**, which is renumbered from Section 27-12-62.1 is
28 renumbered and amended to read:

29 ~~[27-12-62.1].~~ **72-4-137. State highways -- SR-311 to SR-320, SR-666.**

30 [~~The following named roads are designated as state~~] State highways include:

31 (1) SR-311. From Route 40 northerly to the boat ramp at Starvation Lake State Park.

1 (2) SR-312. From the parking area at the south marina of Willard Bay State Park east to
2 a local road.

3 (3) SR-313. From the camping area at Dead Horse Point northerly to Route 191 near
4 Seven Mile Canyon.

5 (4) SR-314. From Route 189 northwesterly to the boat ramp at Deer Creek Lake State
6 Recreation area.

7 (5) SR-315. From the parking area at the marina of Willard Bay North State Recreation
8 Area northerly to 750 North in Willard, [thence] then east to Route 89.

9 (6) SR-316. From the Great Goosenecks of the San Juan State Park northeasterly to Route
10 261.

11 (7) SR-317. Roads and parking areas at the [UDOT/DPS] Calvin L. Rampton Complex.

12 (8) SR-318. From Route 9 northerly to Quail Creek State Park pay gate.

13 (9) SR-319. From southbound on and off ramps Mayflower Interchange southeasterly to
14 the end of constructed road; [thence] then via proposed road to a point where the boat ramp at the
15 [proposed] Jordanelle State Park will begin.

16 (10) SR-320. Department of Public Safety Emergency Vehicle Operation Range at Camp
17 Williams.

18 (11) SR-666. From Route 191 at Monticello east to the Utah-Colorado state line.

19 Section 126. Section **72-4-201**, which is renumbered from Section 27-12-160 is
20 renumbered and amended to read:

21 **Part 2. Special Designations**

22 ~~[27-12-160]~~. **72-4-201. I-15 designated as Veterans' Memorial Highway.**

23 (1) There is established the Veterans' Memorial Highway composed of the existing
24 Interstate Highway 15 from the Utah-Idaho border to the Utah-Arizona border.

25 (2) The department shall designate Interstate 15 as the "Veterans' Memorial Highway" on
26 all future state highway maps.

27 Section 127. Section **72-4-202**, which is renumbered from Section 27-12-161 is
28 renumbered and amended to read:

29 ~~[27-12-161]~~. **72-4-202. Legacy Loop Highway.**

30 (1) There is established the Legacy Loop Highway comprising the existing highway from
31 Route 15 south of St. George, northerly on Route 18 to Route 56 at Beryl Junction, then easterly

1 on Route 56 to Route 130 in Cedar City, and then northeasterly on Route 130 and county routes
2 1788 and 1786 to Route 143 in Parowan.

3 (2) The Department of Transportation shall designate the portions of the highways
4 identified in Subsection (1) as the Legacy Loop Highway on all future state highway maps.

5 Section 128. Section **72-4-203**, which is renumbered from Section 27-12-162 is
6 renumbered and amended to read:

7 **[27-12-162]. 72-4-203. Utah National Parks Highway.**

8 (1) There is established the Utah National Parks Highway comprising the existing highway
9 from Route 89 at the Utah-Arizona border near Big Water westerly on Route 89 to Route 9 near
10 Mount Carmel Junction then westerly on Route 9 to Route 17 near La Verkin then northerly on
11 Route 17 to Interstate Highway 15 then northerly on Interstate Highway 15 frontage roads, the
12 Veterans' Memorial Highway, to Route 14 near Cedar City then southeasterly on Route 14 to
13 Route 148 near Cedar Breaks National Monument then northerly on Route 148 to Route 143 near
14 the north end of Cedar Breaks National Monument then northeasterly on Route 143 to Route 89
15 near Panguitch then southerly on Route 89 to Route 12 near Red Canyon then northeasterly on
16 Route 12, the Clem Church Memorial Highway, to Route 24 near Torrey then easterly on Route
17 24 to Route 95 near Hanksville then southeasterly on Route 95, the Bicentennial Highway, to
18 Route 191 near Blanding then northerly on Route 191 to the junction with Interstate Highway 70
19 near Crescent Junction.

20 (2) In addition to other official designations, the Department of Transportation shall
21 designate and highlight the portions of the highways identified in Subsection (1) as the Utah
22 National Parks Highway on all future state highway maps.

23 Section 129. Section **72-5-101** is enacted to read:

24 **CHAPTER 5. RIGHTS-OF-WAY**

25 **Part 1. Public Highways**

26 **72-5-101. Title.**

27 This chapter is known as the "Rights-of-way Act."

28 Section 130. Section **72-5-102**, which is renumbered from Section 27-12-96 is renumbered
29 and amended to read:

30 **[27-12-96]. 72-5-102. Definitions.**

31 [The department may acquire any real property or interests in real property necessary for

1 temporary, present, or reasonable future state highway purposes by gift, agreement, exchange,
 2 purchase, condemnation, or otherwise. Highway purposes as] As used in this [chapter] part, "state
 3 highway purposes" includes:

4 (1) rights-of-way, including those necessary for state highways within cities and towns;

5 (2) the construction, reconstruction, relocation, improvement, and maintenance of the state
 6 highways and other highways, roads, and streets under the control of the department;

7 (3) limited access facilities, including rights of access, air, light, and view and frontage and
 8 service roads to highways;

9 (4) adequate drainage in connection with any highway, cut, fill, or channel change and the
 10 maintenance of any highway, cut, fill, or channel change;

11 (5) weighing stations, shops, offices, storage buildings and yards, and road maintenance
 12 or construction sites;

13 (6) road material sites, sites for the manufacture of road materials, and access roads to the
 14 sites;

15 (7) the maintenance of an unobstructed view of any portion of a highway to promote the
 16 safety of the traveling public;

17 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,
 18 barriers, and obstructions for the convenience of the traveling public;

19 (9) the construction and maintenance of storm sewers, sidewalks, and highway
 20 illumination;

21 (10) the construction and maintenance of livestock highways; and

22 (11) the construction and maintenance of roadside rest areas adjacent to or near any
 23 highway.

24 Section 131. Section **72-5-103**, which is renumbered from Section 27-12-101 is
 25 renumbered and amended to read:

26 ~~[27-12-101].~~ **72-5-103. Acquisition of rights-of-way and other real property**
 27 **-- Title to property acquired.**

28 (1) The department may acquire any real property or interests in real property necessary
 29 for temporary, present, or reasonable future state highway purposes by gift, agreement, exchange,
 30 purchase, condemnation, or otherwise.

31 ~~[(1)]~~ (2) Title to real property acquired by the department or the counties, cities, and

1 towns by gift, agreement, exchange, purchase, condemnation, or otherwise for highway
2 rights-of-way or other highway purposes may be in fee simple or any lesser estate or interest.

3 ~~[(2)]~~ (3) A transfer of land bounded by a highway on a right-of-way for which the public
4 has only an easement passes the title of the person whose estate is transferred to the middle of the
5 highway.

6 Section 132. Section **72-5-104**, which is renumbered from Section 27-12-89 is renumbered
7 and amended to read:

8 ~~[27-12-89].~~ **72-5-104. Public use constituting dedication.**

9 A highway shall be deemed to have been dedicated and abandoned to the use of the public
10 when it has been continuously used as a public thoroughfare for a period of ten years.

11 Section 133. Section **72-5-105**, which is renumbered from Section 27-12-90 is renumbered
12 and amended to read:

13 ~~[27-12-90].~~ **72-5-105. Highways once established continue until abandoned.**

14 All public highways once established shall continue to be highways until abandoned or
15 vacated by order of the highway authorities having jurisdiction over any [~~such~~] highway, or by
16 other competent authority.

17 Section 134. Section **72-5-106**, which is renumbered from Section 27-12-91 is renumbered
18 and amended to read:

19 ~~[27-12-91].~~ **72-5-106. Expiration of franchise of toll bridge or road.**

20 [~~Whenever~~] If the franchise of any toll bridge or road expires by limitation, forfeiture, or
21 nonuser [~~the same becomes~~] it is a free public highway, and no claim shall be valid against the
22 public for right-of-way or for land or material comprising [~~such~~] the bridge or road.

23 Section 135. Section **72-5-107**, which is renumbered from Section 27-12-92 is renumbered
24 and amended to read:

25 ~~[27-12-92].~~ **72-5-107. United States patents -- Patentee and county to assert claims**
26 **to roads crossing land.**

27 (1) (a) [~~Whenever~~] If any person [~~shall acquire~~] acquires title from the United States to any
28 land in this state over which [~~there shall at the time extend~~] any public highway extends that [~~shall~~
29 ~~not theretofore have~~] has not been duly platted, and that [~~shall not have~~] has not been continuously
30 used as [~~such~~] a public highway for a period of ten years [~~theretofore, he~~], the person shall within
31 three months after receipt of [~~his~~] the person's patent assert [~~his~~] the person's claim for damages

1 in writing to the county executive of the county in which the land is situated.

2 (b) The county legislative body shall have an additional period of three months in which
3 to begin proceedings to condemn the land according to law.

4 (2) (a) The highway shall continue open as a public highway during [said] the periods;
5 but in case] described under Subsection (1).

6 (b) If no action is begun by the county executive within the period [~~above stated~~] described
7 under Subsection (1)(b), the highway shall be considered to be abandoned by the public.

8 (3) In case of a failure by the person so acquiring title to public lands to assert his claim
9 for damage [~~as aforesaid for~~] during the three months from the time [~~he shall have~~] the person
10 received a patent to [~~such~~] the lands, [~~he~~] the person shall thereafter be barred from asserting or
11 recovering any damages by reason of the public highway, and the [~~same~~] public highway shall
12 remain open.

13 Section 136. Section **72-5-108**, which is renumbered from Section 27-12-93 is renumbered
14 and amended to read:

15 [~~27-12-93~~]. **72-5-108. Width of rights-of-way for public highways.**

16 The width of rights-of-way for public highways shall be [~~such~~] set as the highway
17 authorities of the state, counties, [~~cities~~] or [~~towns~~] municipalities may determine for [~~such~~] the
18 highways under their respective jurisdiction.

19 Section 137. Section **72-5-109**, which is renumbered from Section 27-12-94 is renumbered
20 and amended to read:

21 [~~27-12-94~~]. **72-5-109. Contributions of property by counties and municipalities.**

22 Counties[~~, cities,~~] and [~~towns~~] municipalities may contribute real or personal property to
23 the department for state highway purposes.

24 Section 138. Section **72-5-110**, which is renumbered from Section 27-12-95 is renumbered
25 and amended to read:

26 [~~27-12-95~~]. **72-5-110. Acquisition of personal property.**

27 The department may acquire by gift, agreement, exchange, purchase, or otherwise
28 machinery, tools, equipment, materials, supplies, or other personal property necessary for the
29 administration, construction, maintenance, and operation of the state highways, and may sell,
30 exchange, or otherwise dispose of the machinery, tools, equipment, materials, supplies, and other
31 personal property when no longer suitable or required for state highway purposes.

1 Section 139. Section **72-5-111**, which is renumbered from Section 27-12-97 is renumbered
2 and amended to read:

3 **[27-12-97]. 72-5-111. Disposal of real property.**

4 (1) (a) [~~Whenever~~] If the department determines that any real property or interest in real
5 property, acquired for a highway purpose, is no longer necessary for the purpose, the department
6 may lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.

7 (b) Real property may be sold at private or public sale and the proceeds of the sale shall
8 be turned over to the state treasurer and credited to the Transportation Fund.

9 (2) In the disposition of land at any private sale, first consideration may be given to the
10 original grantor or his successor-in-interest.

11 (3) Any sale, exchange, or disposal of real property or interest in real property made by
12 the department pursuant to this section, is exempt from the mineral reservation provisions of Title
13 65A, Chapter 6, Mineral Leases, and any deed made and delivered by the department pursuant to
14 this section without specific reservations in the deed is a conveyance of all the state's right, title,
15 and interest in the real property or interest in the real property.

16 Section 140. Section **72-5-112**, which is renumbered from Section 27-12-98 is renumbered
17 and amended to read:

18 **[27-12-98]. 72-5-112. Acquisition of real property from county, city, or other**
19 **political subdivision -- Exchange.**

20 The department may purchase or otherwise acquire from any county, city, or other political
21 subdivision of the state real property or interests in real property which may be exchanged for or
22 used in the purchase of other real property or interests in real property to be used in connection
23 with the construction, maintenance, or operation of state highways.

24 Section 141. Section **72-5-113**, which is renumbered from Section 27-12-99 is renumbered
25 and amended to read:

26 **[27-12-99]. 72-5-113. Acquisition of entire lot, block, or tract -- Sale or exchange**
27 **of remainder.**

28 If a part of an entire lot, block, tract of land, or interest or improvement in real property is
29 to be acquired by the department and the remainder is to be left in a shape or condition of little
30 value to its owner or to give rise to claims or litigation concerning damages, the department may
31 acquire the whole of the [~~same~~] property and may sell the remainder or may exchange [~~the same~~]

1 it for other property needed for highway purposes.

2 Section 142. Section **72-5-114**, which is renumbered from Section 27-12-100 is
3 renumbered and amended to read:

4 ~~[27-12-100].~~ **72-5-114. Property acquired in advance of construction -- Lease**
5 **or rental.**

6 (1) ~~[Where the]~~ (a) The department ~~[finds it advisable to]~~ may acquire real property or
7 interests or improvements in real property in advance of the actual construction, reconstruction,
8 or improvement of highways ~~[or to acquire the same]~~ in order to save on acquisition costs or avoid
9 the payment of excessive damages~~[, the]~~.

10 (b) The real property or interests or improvements in real property may be leased or rented
11 by the department in a manner, for a period of time, and for a sum determined by the department
12 to be in the best interest of the state.

13 (2) (a) The department may employ private agencies to manage rental properties when it
14 is more economical and in the best interests of the state.

15 (b) All moneys received for leases and rentals, after deducting any portion to which the
16 federal government may be entitled, shall be deposited with the state treasurer and credited to the
17 Transportation Fund.

18 Section 143. Section **72-5-115**, which is renumbered from Section 27-12-103 is
19 renumbered and amended to read:

20 ~~[27-12-103].~~ **72-5-115. Acquisition of property devoted to or held for other**
21 **public use.**

22 (1) If property devoted to or held for some other public use for which the power of eminent
23 domain might be exercised is to be taken for state highway purposes, the department may, with
24 the consent of the person or agency in charge of the other public use, condemn real property to be
25 exchanged with the person or agency for the real property to be taken for state highway purposes.

26 (2) This section does not limit the department's authorization to acquire, other than by
27 condemnation, property for exchange purposes.

28 Section 144. Section **72-5-201**, which is renumbered from Section 27-12-103.2 is
29 renumbered and amended to read:

30 **Part 2. Rights-of-way Across State Lands**

31 ~~[27-12-103.2].~~ **72-5-201. Purpose statement.**

1 (1) (a) The Legislature recognizes that highways provide tangible benefits to private and
2 public lands of the state by providing access, allowing development, and facilitating production
3 of income.

4 (b) Many of those highways traverse state lands, including lands held by the state in trust
5 for the school children and public institutions of the state.

6 (c) Many of the existing highways have been previously established without an official
7 grant of an easement or right of entry from this state, yet these highways often are the only access
8 to private and public lands of the state.

9 (2) The Legislature intends to establish a means for ensuring continued access to the
10 private and public lands of the state for the good of the people, while fulfilling its fiduciary
11 responsibilities toward the schoolchildren by protecting their trust holdings against loss.

12 Section 145. Section **72-5-202**, which is renumbered from Section 27-12-103.3 is
13 renumbered and amended to read:

14 ~~[27-12-103.3].~~ **72-5-202. Definitions.**

15 As used in [~~Sections 27-12-103.2 through 27-12-103.4~~] this part:

16 (1) "Responsible authority" means a private party, the state of Utah, or a political
17 subdivision of the state claiming rights to a highway right-of-way, easement, or right of entry
18 across state lands.

19 (2) "Sovereign lands" has the same meaning as provided in Section 65A-1-1.

20 (3) "State lands" means sovereign and trust lands, as well as all other lands held by or on
21 behalf of the departments, divisions, or institutions of the state.

22 (4) "Trust lands" has the same meaning as "school and institutional trust lands" as defined
23 in Section 53C-1-103.

24 Section 146. Section **72-5-203**, which is renumbered from Section 27-12-103.4 is
25 renumbered and amended to read:

26 ~~[27-12-103.4].~~ **72-5-203. Public easement or right of entry -- Grant --**
27 **Application -- Conditions.**

28 (1) (a) (i) Subject to Section 53C-1-302 and Subsection 53C-1-204(1), a temporary public
29 easement or right of entry is granted for each highway existing prior to January 1, 1992, that
30 terminates at or within or traverses any state lands and that has been constructed and maintained
31 or used by a responsible authority.

1 (ii) The temporary public easement or right of entry granted under Subsection (1)(a)(i) is
2 100 feet wide for each class A and B highway.

3 (b) Each easement shall remain in effect through June 30, 1998, or until a permanent
4 easement or right of entry has been established under Subsection (2), whichever is less.

5 (2) (a) The School and Institutional Trust Lands Administration and the Division of
6 Forestry, Fire and State Lands shall make rules in accordance with Title 63, Chapter 46a, Utah
7 Administrative Rulemaking Act, establishing an application process for a responsible authority
8 to obtain a permanent easement or right of entry over any temporary public easement granted
9 under Subsection (1), subject to the provisions of Subsections (2)(b), (c), and (d).

10 (b) A grant of a permanent easement or right of entry across sovereign lands shall be made
11 upon a showing to the Division of Forestry, Fire and State Lands that continued use of the
12 easement will provide a public benefit commensurate with the value of the permanent easement
13 or right of entry.

14 (c) A grant of a permanent easement or right of entry across trust lands shall be made upon
15 a showing to the School and Institutional Trust Lands Administration that the grant is consistent
16 with the state's fiduciary responsibilities under Section 53C-1-302 and Subsection 53C-1-204(1).

17 (d) A grant of a permanent easement or right of entry across state lands other than
18 sovereign and trust lands shall be made upon a showing to the managing unit of state government
19 that the continued use will provide a public benefit commensurate with the value of the easement
20 and will not unreasonably interfere with the purposes for which the land was obtained or is now
21 held.

22 (3) The grant of the temporary public easement or right of entry under Subsection (1) is
23 consistent with the trust responsibilities of the state and in the best interest of the state.

24 (4) A responsible authority that has been granted a permanent easement or right of entry
25 over state lands may maintain the permanent easement or right of entry for the uses to which the
26 permanent easement or right of entry was put prior to and including January 1, 1992, subject to
27 the right of the managing unit of state government or private party to relocate the permanent
28 easement or right of entry.

29 (5) The grant of a permanent easement or right of entry under this section is effective on
30 the date the highway was originally constructed or established for public use.

31 Section 147. Section **72-5-301**, which is renumbered from Section 27-16-102 is

1 renumbered and amended to read:

2 **Part 3. Rights-of-way Across Federal Lands Act**

3 **[27-16-102]. 72-5-301. Definitions.**

4 As used in this [chapter] part:

5 (1) "Acceptance," "acceptance of a right-of-way for the construction of a highway over
6 public lands, not reserved for public uses," or "accepted" means one or more of the following acts
7 prior to October 21, 1976:

8 (a) by the state or any political subdivision of the state:

9 (i) construction or maintenance of a highway;

10 (ii) inclusion of the highway in a state, county, or municipal road system;

11 (iii) expenditure of any public funds on the highway;

12 (iv) execution of a memorandum of understanding or other agreement with any other
13 public or private entity or an agency of the federal government that recognizes the right or
14 obligation of the state or a political subdivision of the state to construct or maintain the highway
15 or a portion of the highway; or

16 (v) (A) the acceptance at statehood of the school or institutional trust lands accessed or
17 traversed by the right-of-way; or

18 (B) the selection and receipt by the state of a clear list, indemnity list, or other document
19 conveying title to the state of school, institutional trust lands, or other state lands accessed or
20 traversed by the highway;

21 (b) use by the public for a period in excess of 10 years in accordance with Section
22 [~~27-12-89~~] 72-5-104; or

23 (c) any other act consistent with state or federal law indicating acceptance of a
24 right-of-way.

25 (2) (a) "Construction" means any physical act of readying a highway for use by the public
26 according to the available or intended mode of transportation, including, foot, horse, vehicle,
27 pipeline, or other mode.

28 (b) "Construction" includes:

29 (i) removing vegetation;

30 (ii) moving obstructions, including rocks, boulders, and outcroppings;

31 (iii) filling low spots;

- 1 (iv) maintenance over several years;
- 2 (v) creation of an identifiable route by use over time; and
- 3 (vi) other similar activities.
- 4 (3) (a) "Highway" means:
- 5 (i) any road, street, trail, or other access or way that is open to the public to come and go
- 6 or transport water at will, without regard to how or by whom the way was constructed or
- 7 maintained; and
- 8 (ii) appurtenant land and structures including road drainage ditches, back and front slopes,
- 9 turnouts, rest areas, and other areas that facilitate use of the highway by the public.
- 10 (b) "Highway" includes:
- 11 (i) pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads,
- 12 homestead roads, mine-to-market roads, alleys, tunnels, bridges, and all other ways and their
- 13 attendant access for maintenance; and
- 14 (ii) irrigation canals, waterways, viaducts, ditches, pipelines, or other means of water
- 15 transmission and their attendant access for maintenance.
- 16 (4) "Maintenance" means any physical act of upkeep of a highway or repair of wear or
- 17 damage whether from natural or other causes.
- 18 (5) "Public lands not reserved for public uses" means any federal lands open to entry and
- 19 location.
- 20 (6) "R.S. 2477 right-of-way" means a right-of-way for a highway constructed in this state
- 21 on public lands not reserved for public uses in accordance with Revised Statute 2477, codified as
- 22 43 U.S.C. Section 932, and accepted by the state or a political subdivision of the state prior to
- 23 October 21, 1976.

24 Section 148. Section **72-5-302**, which is renumbered from Section 27-16-103 is
 25 renumbered and amended to read:

26 ~~[27-16-103]~~. **72-5-302. Rights-of-way across federal lands -- Title --**
 27 **Presumption -- Scope -- Safety standards.**

- 28 (1) This ~~[chapter]~~ part applies to all R.S. 2477 rights-of-way.
- 29 (2) The state and its political subdivisions have title to the R.S. 2477 rights-of-ways.
- 30 (3) (a) Acceptance of a right-of-way for the construction of a highway over public lands,
- 31 not reserved for public uses, is presumed if the state or a political subdivision of the state makes

1 a finding that the highway was constructed and the right-of-way was accepted prior to October 21,
2 1976.

3 (b) The existence of a highway establishes a presumption that the highway has continued
4 in use in its present location since the land over which it is built was public land not reserved for
5 public use.

6 (4) (a) Unless specifically determined by the state or a political subdivision of the state
7 with authority over the R.S. 2477 right-of-way, the scope of the R.S. 2477 right-of-way is that
8 which is reasonable and necessary to ensure safe travel for all uses that occurred before October
9 21, 1976.

10 (b) The scope of the R.S. 2477 right-of-way includes the right to widen the highway as
11 necessary to accommodate the increased travel associated with those uses, up to, where applicable,
12 improving a highway to two lanes so travelers can safely pass each other.

13 (c) The width of an R.S. 2477 right-of-way used for vehicular travel may not be less than
14 the setback standards for wilderness boundaries along existing roads as described in Bureau of
15 Land Management Manual H-8560-1, Management of Designated Wilderness Areas, dated July
16 27, 1988, as follows:

- 17 (i) high standard paved highways shall be 300 feet from the centerline;
- 18 (ii) high standard logging roads shall be 100 feet from the centerline; and
- 19 (iii) low standard logging, jeep, maintenance, dirt roads used for right-of-way, or similar
20 roads shall be 30 feet from the centerline.

21 (5) The safety standards established by the Department of Transportation in accordance
22 with Section [~~27-12-104~~] 72-6-102 apply to all determinations of safety on R.S. 2477
23 rights-of-way used for vehicular travel.

24 Section 149. Section **72-5-303**, which is renumbered from Section 27-16-104 is
25 renumbered and amended to read:

26 [~~27-16-104~~]. **72-5-303. Maintenance -- Impact on adjacent land owners.**

27 (1) (a) The state and its political subdivisions are not required to maintain highways within
28 R.S. 2477 rights-of-way for vehicular travel unless the R.S. 2477 right-of-way encompasses a
29 highway included on a highway system for vehicular travel.

30 (b) A decision to improve or not improve an R.S. 2477 right-of-way is a purely
31 discretionary function.

1 (2) The holder of an R.S. 2477 right-of-way and the owner of the servient estate shall
2 exercise their rights without unreasonably interfering with one another.

3 (3) The holder of the R.S. 2477 right-of-way shall design and conduct construction and
4 maintenance activities so as to minimize impacts on adjacent federal public lands, consistent with
5 applicable safety standards.

6 Section 150. Section **72-5-304**, which is renumbered from Section 27-16-105 is
7 renumbered and amended to read:

8 ~~[27-16-105].~~ **72-5-304. Mapping and survey requirements.**

9 (1) The Department of Transportation, counties, and cities are not required to possess
10 centerline surveys for R.S. 2477 rights-of-ways.

11 (2) ~~[Highways]~~ To be accepted, highways within R.S. 2477 rights-of-way do not need to
12 be included in the plats, descriptions, and maps of county roads required by Sections ~~[27-12-26]~~
13 72-3-105 and ~~[27-15-3]~~ 72-3-107 or on the State Geographic Information Database, created in
14 Section 63A-6-203, required to be maintained by Subsection (3)~~[-to be accepted].~~

15 (3) (a) The Automated Geographic Reference Center, created in Section 63A-6-202, shall
16 create and maintain a record of R.S. 2477 rights-of-way on the Geographic Information Database.

17 (b) The record of R.S. 2477 rights-of-way shall be based on information maintained by
18 the Department of Transportation and cartographic, topographic, photographic, historical, and
19 other data available to or maintained by the Automated Geographic Reference Center.

20 (c) Agencies and political subdivisions of the state may provide additional information
21 regarding R.S. 2477 rights-of-way when information is available.

22 Section 151. Section **72-5-305**, which is renumbered from Section 27-16-106 is
23 renumbered and amended to read:

24 ~~[27-16-106].~~ **72-5-305. Term of grant -- Abandonment.**

25 (1) In accordance with the terms of the R.S. 2477 right-of-way grant, once accepted, an
26 R.S. 2477 right-of-way is established for a perpetual term.

27 (2) (a) Abandonment of any R.S. 2477 right-of-way shall only take place in accordance
28 with the procedures in ~~[Title 27, Chapter 12, Article 6, Acquisition of Property for Highway~~
29 Purposes] Part 1, Public Highways, of this chapter.

30 (b) If any R.S. 2477 right-of-way is abandoned by a political subdivision of the state, the
31 right-of-way shall revert to the state.

1 (3) The passage of time or the frequency of use of an R.S. 2477 right-of-way is not
2 evidence of waiver or abandonment of the R.S. 2477 right-of-way.

3 (4) An R.S. 2477 right-of-way continues even if the servient estate is transferred out of
4 the public domain.

5 Section 152. Section **72-5-306**, which is renumbered from Section 27-16-107 is
6 renumbered and amended to read:

7 ~~[27-16-107].~~ **72-5-306. Assumption of risk -- Immunity -- Public safety.**

8 (1) An R.S. 2477 right-of-way not designated under [~~Title 27, Chapter 12, Article 3,~~
9 ~~Classification and Jurisdiction and Control of Highways and Roads,]~~ Section 72-3-102, 72-3-103,
10 or 72-3-104 as a Class A, B, or C road is traveled at the risk of the user.

11 (2) The state and its political subdivisions do not waive immunity under Title 63, Chapter
12 30, Utah Governmental Immunity Act, for injuries or damages occurring in or associated with any
13 R.S. 2477 right-of-way.

14 (3) The state and its political subdivisions assume no liability for injury or damage
15 resulting from a failure to maintain any:

16 (a) R.S. 2477 right-of-way for vehicular travel; or

17 (b) highway sign on an R.S. 2477 right-of-way.

18 (4) If the state or any political subdivision of the state chooses to maintain an R.S. 2477
19 right-of-way, the basic governmental objective involved in providing the improvements is the
20 consistent promotion of public safety.

21 (5) (a) The state recognizes that there are limited funds available to upgrade all R.S. 2477
22 rights-of-way to applicable safety standards.

23 (b) A decision by the state or a political subdivision of the state to allocate funds for
24 maintaining an R.S. 2477 right-of-way is the result of evaluation and assigning of priorities for
25 the promotion of public safety.

26 (c) The state or a political subdivision of the state must use its judgment and expertise to
27 evaluate which safety feature improvements should be made first. In making this policy
28 determination the state or a political subdivision of the state may:

29 (i) perform on-site inspections and weigh all factors relating to safety, including the
30 physical characteristics and configuration of the R.S. 2477 right-of-way and the volume and type
31 of traffic on the R.S. 2477 right-of-way; and

1 (ii) consult with transportation experts who have expertise to make an evaluation of the
2 relative dangerousness of R.S. 2477 rights-of-way within their jurisdiction.

3 Section 153. Section **72-6-101** is enacted to read:

4 **CHAPTER 6. CONSTRUCTION, MAINTENANCE, AND OPERATIONS**

5 **72-6-101. Title.**

6 This chapter is known as the "Construction, Maintenance, and Operations Act."

7 Section 154. Section **72-6-102**, which is renumbered from Section 27-12-104 is
8 renumbered and amended to read:

9 ~~[27-12-104].~~ **72-6-102. Uniform plans and specifications for construction and**
10 **maintenance.**

11 The department shall:

12 (1) prepare and adopt uniform standard plans and specifications for the construction and
13 maintenance of state highways~~[-];~~ and ~~[shall]~~

14 (2) issue a manual containing plans and specifications for the information and guidance
15 of officials having supervision of the ~~[work]~~ construction and maintenance of state highways.

16 Section 155. Section **72-6-103**, which is renumbered from Section 27-12-105 is
17 renumbered and amended to read:

18 ~~[27-12-105].~~ **72-6-103. Plans, specifications, and estimates for culverts,**
19 **bridges, and road construction.**

20 The department shall furnish plans, specifications, and estimates for culverts, bridges, road
21 construction, and other related information desired by local highway authorities for use on county
22 roads and city streets on terms mutually agreed upon.

23 Section 156. Section **72-6-104**, which is renumbered from Section 27-12-106 is
24 renumbered and amended to read:

25 ~~[27-12-106].~~ **72-6-104. Highways to conform to grade and direction in**
26 **municipalities.**

27 ~~[Where public highways other than interstate or defense highways extend]~~ Except for the
28 highways part of the interstate system, a highway that extends through a [city or town they]
29 municipality shall conform to the direction and grade of other streets in the [city or town]
30 municipality unless permission is obtained from the highway authorities of the [city or town]
31 municipality for a variance in the direction and grade.

1 Section 157. Section **72-6-105**, which is renumbered from Section 27-12-107 is
2 renumbered and amended to read:

3 **[27-12-107]. 72-6-105. Contracts for construction and maintenance --**
4 **Agreements with county or municipality.**

5 The department may enter into written agreements on behalf of the state with any county[
6 city,] or [town] municipality for rights-of-way and the construction or maintenance of any part of
7 [the] a state [highways] highway:

8 (1) at the expense of the state;

9 (2) at the expense of any county[,-city,] or [town] municipality; or

10 (3) at the joint expense of the state and any county[,-city, or town] and any municipality.

11 Section 158. Section **72-6-106**, which is renumbered from Section 27-12-107.5 is
12 renumbered and amended to read:

13 **[27-12-107.5]. 72-6-106. Use of recycled asphalt.**

14 (1) In making plans, specifications, and estimates, and in advertising for bids under this
15 [article] chapter, the department shall allow up to 25% but may allow up to 60% reclaimed asphalt
16 pavement to be incorporated into hot asphaltic concrete used for road construction and
17 maintenance.

18 (2) The department shall ensure that hot asphaltic concrete incorporating reclaimed asphalt
19 pavement meets or exceeds the department quality standards for roads constructed or maintained
20 with hot asphaltic concrete not containing reclaimed asphalt pavement.

21 (3) If the department rejects any hot asphaltic concrete containing reclaimed asphalt
22 pavement, the department shall give a written statement to the provider indicating the specific
23 reasons the hot asphaltic concrete was rejected.

24 (4) This section does not authorize the state to directly or indirectly subsidize the
25 production of hot asphaltic concrete containing reclaimed asphalt pavement.

26 Section 159. Section **72-6-107**, which is renumbered from Section 27-12-108 is
27 renumbered and amended to read:

28 **[27-12-108]. 72-6-107. Construction or improvement of highway -- Contracts**
29 **-- Retainage escrow.**

30 (1) (a) The department shall make plans, specifications, and estimates [preparatory] prior
31 to the construction or improvement of any state highway.

1 (b) Except for construction or improvements performed with state prison labor, a
 2 construction or improvement project with an estimated cost exceeding \$40,000 for labor and
 3 materials shall be performed under contract awarded to the lowest responsible bidder.

4 (c) The advertisement for bids shall be published in a newspaper of general circulation in
 5 the county in which the work is to be performed, at least once a week for two consecutive weeks,
 6 with the last publication [~~to be~~] at least ten days before bids are opened.

7 (d) [~~Sealed~~] The department shall receive sealed bids [~~shall be received by the department~~]
 8 and [~~opened~~] open the bids at the time and place designated in the advertisement [~~and~~]. The
 9 department may then award the contract [~~awarded; however, the department~~] but may reject any
 10 and all bids.

11 (e) If the department's estimates are substantially lower than any responsible bid received,
 12 the department may perform any work by force account.

13 (2) (a) If any payment on a contract with a private contractor for construction or
 14 improvement of a state [~~highways~~] highway is retained or withheld, [~~it~~] the payment shall be
 15 placed in an interest bearing account [~~and the~~]. The interest shall accrue for the benefit [~~of~~] and
 16 payment to the contractor and subcontractors [~~to be paid~~] after the project is completed and
 17 accepted by the department.

18 (b) The contractor shall ensure that any interest accrued on the money retained is
 19 distributed by the contractor to subcontractors on a pro rata basis.

20 Section 160. Section **72-6-108**, which is renumbered from Section 27-12-108.1 is
 21 renumbered and amended to read:

22 [~~27-12-108.1~~]. **72-6-108. Class B and C roads -- Improvement projects --**
 23 **Contracts -- Retainage escrow.**

24 (1) [~~The~~] A county executive [~~of the counties with respect to~~] for class B roads and the
 25 [~~governing officials of the cities and towns with respect to~~] municipal executive for class C roads
 26 shall cause [~~to be made~~] plans, specifications, and estimates [~~preparatory~~] to be made prior to the
 27 construction of any improvement project, as defined in Section [~~27-12-108.2~~] 72-6-109, on a class
 28 B or C road[;] if the estimated cost [~~of which~~] for any one project exceeds the bid limit as defined
 29 in Section 72-6-109 for labor, equipment, and materials.

30 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
 31 to the lowest responsible bidder. [~~Whenever~~]

1 **(b)** If the estimated cost of the improvement project exceeds the bid limit for labor,
 2 equipment, and materials, the ~~[same shall]~~ project may not be ~~[so]~~ divided ~~[as]~~ to permit the
 3 construction in ~~[several]~~ parts, ~~[except]~~ unless each part is done by contract.

4 **(3)** The advertisement on bids ~~[for such work]~~ shall be published in a newspaper of general
 5 circulation in the county in which ~~[such]~~ the work is to be performed at least once a week for three
 6 consecutive weeks~~[, or if]~~. If there is no ~~[such]~~ newspaper of general circulation, ~~[then after~~
 7 ~~posting such]~~ the notice shall be posted for at least 20 days in at least five public places in the
 8 county. ~~[Sealed]~~

9 **(4)** The county or municipal executive or their designee shall receive sealed bids ~~[shall be~~
 10 ~~received by the county executive or governing officials, as the case may be,]~~ and ~~[opened]~~ open
 11 the bids at the time and place designated in the advertisement~~[, and]~~. The county or municipal
 12 executive or their designee may then award the contract ~~[awarded; provided, that the county~~
 13 ~~executive or governing officials, as the case may be, shall have the right to]~~ but may reject any and
 14 all bids~~[; provided further, that the]~~.

15 **(5)** The person, firm, or corporation ~~[to whom any such contract]~~ that is awarded ~~[shall be]~~
 16 a contract under this section is subject to ~~[all]~~ the provisions of Title 63, Chapter 56, Utah
 17 Procurement Code.

18 ~~[(2)]~~ **(6) (a)** If any payment on a contract with a private contractor for construction or
 19 improvement of a class B ~~[and]~~ or C ~~[roads]~~ road is retained or withheld, ~~[it]~~ the payment shall be
 20 placed in an interest-bearing account ~~[and the]~~. The interest shall accrue for the benefit ~~[of]~~ and
 21 payment to the contractor and subcontractors ~~[to be paid]~~ after the project is completed and
 22 accepted by the ~~[governing officials of the]~~ county~~[, city, or town]~~ or municipal executive. ~~[It is~~
 23 ~~the responsibility of the]~~

24 **(b)** The contractor ~~[to]~~ shall ensure that any interest accrued on the ~~[retainage]~~ money
 25 retained is distributed by the contractor to subcontractors on a pro rata basis.

26 Section 161. Section **72-6-109**, which is renumbered from Section 27-12-108.2 is
 27 renumbered and amended to read:

28 ~~[27-12-108.2]~~. **72-6-109. Class B and C roads -- Construction and maintenance**
 29 **-- Definitions -- Estimates lower than bids -- Accountability.**

30 (1) As used in this section and Section ~~[27-12-108.1]~~ 72-6-108:

31 (a) "Bid limit" means \$100,000.

1 (b) (i) "Construction" means the work that would apply to:

2 (A) any new roadbed either by addition to existing systems or relocation;

3 (B) resurfacing of existing roadways with more than two inches of bituminous pavement;

4 or

5 (C) new structures or replacement of existing structures, except the replacement of
6 drainage culverts.

7 (ii) "Construction" does not include maintenance, emergency repairs, or the installation
8 of traffic control devices as described in Section 41-6-20.

9 (c) "Improvement project" means construction and maintenance as defined in this section
10 except for that maintenance excluded under Subsection (2).

11 (d) "Maintenance" means the keeping of a road facility in a safe and usable condition to
12 which it was constructed or improved, and includes:

13 (i) the reworking of an existing surface by the application of up to and including two
14 inches of bituminous pavement;

15 (ii) the installation or replacement of guardrails, seal coats, and culverts;

16 (iii) the grading or widening of an existing unpaved road or flattening of shoulders or side
17 slopes to meet current width and safety standards; and

18 (iv) horizontal or vertical alignment changes necessary to bring an existing road in
19 compliance with current safety standards.

20 (e) "Project" means the performance of a clearly identifiable group of associated road
21 construction activities or the same type of maintenance process, where the construction or
22 maintenance is performed on any one class B or C road, within a half-mile proximity and occurs
23 within the same calendar year.

24 (2) The following types of maintenance work are not subject to the contract or bid limit
25 requirements of this section:

26 (a) the repair of less than the entire surface by crack sealing or patching; and

27 (b) road repairs incidental to the installation, replacement, or repair of water mains, sewers,
28 drainage pipes, culverts, or curbs and gutters.

29 (3) (a) (i) If the estimates of a qualified engineer referred to in Section [27-12-108.1]
30 72-6-108 are substantially lower than any responsible bid received or in the event no bids are
31 received, the [counties] county or [cities] municipality may perform the work by force account.

1 (ii) In no event shall "substantially lower" mean estimates that are less than 10% below
2 the lowest responsible bid.

3 (b) If a county or [city] municipality performs an improvement project by force account,
4 it shall:

5 (i) provide an accounting of the costs and expenditures of the improvement including
6 material, labor, and direct equipment costs to be calculated using the Cost Reference Guide for
7 Construction Equipment by Dataquest Inc.;

8 (ii) disclose the costs and expenditures to any person [~~who requests to see them~~] upon
9 request and allow [him] the person to make a copy [~~upon paying~~] and pay for the actual cost of the
10 copy; and

11 (iii) perform the work using the same specifications and standards that would apply to a
12 private contractor.

13 Section 162. Section **72-6-110**, which is renumbered from Section 27-12-108.3 is
14 renumbered and amended to read:

15 ~~[27-12-108.3].~~ **72-6-110. Supervision and standards of construction for class**
16 **B and C roads.**

17 (1) All construction plans, specifications, and estimates [~~required under Section~~
18 ~~27-12-108.1;~~] and all construction work under Section 72-6-108 shall be prepared and performed
19 under the direct supervision of a registered professional engineer.

20 (2) The supervising engineer shall certify to the county legislative body or the [~~governing~~
21 ~~officials of the city~~] municipal executive that all road construction projects conform to design and
22 construction standards as currently adopted by the American Association of State Highway and
23 Transportation officials.

24 Section 163. Section **72-6-111**, which is renumbered from Section 27-12-109 is
25 renumbered and amended to read:

26 ~~[27-12-109].~~ **72-6-111. Construction and maintenance of appurtenances --**
27 **Noise abatement measures.**

28 (1) The department is authorized to construct and maintain appurtenances along the state
29 highway system necessary for public safety, welfare, and information. Appurtenances include
30 highway illumination, sidewalks, curbs, gutters, steps, driveways, retaining walls, fire hydrants,
31 guard rails, noise abatement measures, storm sewers, and rest areas.

1 (2) A noise abatement measure may only be constructed by the department along a
2 highway when:

3 (a) the department is constructing a new state highway or performing major reconstruction
4 on an existing state highway;

5 (b) the Legislature provides an appropriation or the federal government provides funding
6 for construction of retrofit noise abatement along an existing state highway; or

7 (c) the cost for the noise abatement measure is provided by citizens, adjacent property
8 owners, developers, or local governments.

9 (3) In addition to the requirements under Subsection (2), the department may only
10 construct noise abatement measures within the unincorporated area of a county or within a
11 municipality that has an ordinance or general plan that requires:

12 (a) a study to be conducted to determine the noise levels along new development adjacent
13 to an existing state highway or a dedicated right-of-way; and

14 (b) the construction of noise abatement measures at the expense of the developer if
15 required to be constructed under standards established by a rule of the department.

16 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
17 department shall make rules establishing:

18 (a) when noise abatement measures are required to be constructed, including standards for
19 decibel levels of traffic noise; and

20 (b) a priority system for the construction of retrofit noise abatement measures funded
21 under Subsection (2)(b) which includes:

22 (i) the decibel level of traffic noise at each location;

23 (ii) the number of residential dwellings adversely affected by the traffic noise; and

24 (iii) the cost effectiveness of mitigating the traffic noise.

25 Section 164. Section **72-6-112**, which is renumbered from Section 27-12-109.5 is
26 renumbered and amended to read:

27 **[27-12-109.5]. 72-6-112. Traffic Noise Abatement Program -- Uses.**

28 (1) There is created the Traffic Noise Abatement Program.

29 (2) The program consists of monies generated from the following revenue sources:

30 (a) any voluntary contributions received for traffic noise abatement; and

31 (b) appropriations made to the program by the Legislature.

1 (3) The department shall use program monies as prioritized by the commission and as
2 provided by law for the study, design, construction, and maintenance of noise abatement measures.

3 (4) All funding for the Traffic Noise Abatement Program shall be nonlapsing.

4 Section 165. Section **72-6-113**, which is renumbered from Section 27-12-109.1 is
5 renumbered and amended to read:

6 ~~[27-12-109.1].~~ **72-6-113. Acquisition and improvement of land for preservation**
7 **of scenic beauty -- Authority of department.**

8 (1) The department is authorized to acquire and improve strips of land necessary for the
9 restoration, preservation, and enhancement of scenic beauty within and adjacent to a federal-aid
10 ~~[highways]~~ highway of this state, including acquisition of publicly owned and controlled rest and
11 recreation areas, sanitary, and other facilities within or adjacent to the highway right-of-way
12 reasonably necessary to accommodate the traveling public.

13 (2) Acquisition may be by gift, purchase, or exchange but may not be by condemnation.

14 (3) The interest in any land authorized to be acquired and maintained under this section
15 may be fee simple or any lesser interest, as determined by the department to be reasonably
16 necessary to accomplish the purposes of this section.

17 (4) (a) Real property, or any interest in real property, acquired under this section is part
18 of the adjacent or nearest highway and is under the jurisdiction of the department.

19 (b) The department may enter into an agreement with any state agency for maintenance
20 of land acquired in accordance with this section.

21 Section 166. Section **72-6-114**, which is renumbered from Section 27-12-110 is
22 renumbered and amended to read:

23 ~~[27-12-110].~~ **72-6-114. Restricting use of or closing highway -- Penalty for**
24 **failure to observe barricade, warning light, etc.**

25 ~~(1) [Whenever it is deemed necessary because of] A highway authority may close or~~
26 ~~restrict travel on a highway under their jurisdiction due to construction [or], maintenance work,~~
27 ~~or [because of] emergency [to suspend all or part of the travel on a public highway or portion~~
28 ~~thereof, the highway authorities of the state, counties, cities and towns may restrict the use of, or~~
29 ~~close, such highway or portion thereof. Whenever such].~~

30 (2) If a highway or portion [thereof] of a highway is [so restricted or] closed or restricted
31 to travel, [the] a highway [authorities] authority shall cause suitable barriers and notices to be

1 posted [at the point where the detour road takes off from such closed or restricted highway and
2 such detour road shall be clearly indicated by signs and the same shall be adequately maintained]
3 and maintained in accordance with Section 41-6-20.

4 [Any] (3) A person who willfully fails to observe any barricade, warning light, sign, or
5 flagman, [warning the public that a highway or portion thereof is restricted or closed to traffic]
6 used in accordance with this section, is guilty of a class B misdemeanor.

7 Section 167. Section **72-6-115**, which is renumbered from Section 63-49-8.5 is
8 renumbered and amended to read:

9 ~~[63-49-8.5].~~ **72-6-115. Traffic Management Committee -- Appointment -- Duties.**

10 (1) As used in this section, "committee" means the Traffic Management Committee
11 created in this section.

12 (2) (a) There is created within the Department of Transportation the Traffic Management
13 Committee comprising seven members knowledgeable about traffic engineering, traffic flow, or
14 air quality as follows:

- 15 (i) one member designated by the executive director of the department;
- 16 (ii) one member designated by the Utah Association of Counties;
- 17 (iii) one member designated by the Department of Environmental Quality;
- 18 (iv) one member designated by the Wasatch Front Regional Council;
- 19 (v) one member designated by the Mountainland Association of Governments;
- 20 (vi) one member designated by the Commissioner of Public Safety; and
- 21 (vii) one member designated by the Utah League of Cities and Towns.

22 (b) The committee shall:

23 (i) advise the department on matters related to the implementation and administration of
24 this section;

25 (ii) make recommendations to law enforcement agencies related to traffic flow and
26 incident management during heavy traffic periods;

27 (iii) make recommendations to the department on increasing the safety and efficiency of
28 highways using current traffic management systems, including traffic signal coordination, traffic
29 monitoring, freeway ramp metering, variable message signing, and incident management; and

30 (iv) evaluate the cost effectiveness of implementing a specific traffic management system
31 on a highway considering:

- 1 (A) existing traffic volume in the area;
- 2 (B) the necessity and potential of reducing vehicle emissions in the area;
- 3 (C) the feasibility of the traffic management system on the highway; and
- 4 (D) whether traffic congestion will be reduced by the system.
- 5 (c) (i) Except as required by Subsection (2)(c)(ii), as terms of current committee members
- 6 expire, the governor shall appoint each new member or reappointed member to a four-year term.
- 7 (ii) Notwithstanding the requirements of Subsection (2)(c)(i), the governor shall, at the
- 8 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 9 committee members are staggered so that approximately half of the committee is appointed every
- 10 two years.
- 11 (d) The committee shall annually elect a chair and a vice chair from its members.
- 12 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
- 13 appointed for the unexpired term.
- 14 (f) The committee shall meet as it determines necessary to accomplish its duties.
- 15 (g) Reasonable notice shall be given to each member of the committee prior to any
- 16 meeting.
- 17 (h) A majority of the committee constitutes a quorum for the transaction of business.
- 18 (i) (i) (A) Members who are not government employees shall receive no compensation or
- 19 benefits for their services, but may receive per diem and expenses incurred in the performance of
- 20 the member's official duties at the rates established by the Division of Finance under Sections
- 21 63A-3-106 and 63A-3-107.
- 22 (B) Members may decline to receive per diem and expenses for their service.
- 23 (ii) (A) State government officer and employee members who do not receive salary, per
- 24 diem, or expenses from their agency for their service may receive per diem and expenses incurred
- 25 in the performance of their official duties from the committee at the rates established by the
- 26 Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 27 (B) State government officer and employee members may decline to receive per diem and
- 28 expenses for their service.
- 29 (iii) (A) Local government members who do not receive salary, per diem, or expenses
- 30 from the entity that they represent for their service may receive per diem and expenses incurred
- 31 in the performance of their official duties at the rates established by the Division of Finance under

1 Sections 63A-3-106 and 63A-3-107.

2 (B) Local government members may decline to receive per diem and expenses for their
3 service.

4 (3) (a) The Department of Transportation shall implement and administer traffic
5 management systems to facilitate the efficient flow of motor vehicle traffic on state highways and
6 to reduce motor vehicle emissions where cost effective, as determined by the committee in
7 accordance with criteria under Subsection (2)(b).

8 (b) A traffic management system shall be designed to allow safe, efficient, and effective:

9 (i) integration of existing traffic management systems;

10 (ii) additions of highways and intersections under county and city administrative
11 jurisdiction;

12 (iii) incorporation of other traffic management systems; and

13 (iv) adaptation to future traffic needs.

14 (4) (a) The cost of implementing and administering a traffic management system shall be
15 shared pro rata by the department and the counties and [cities] municipalities using it.

16 (b) The department shall enter into an agreement or contract under Title 11, Chapter 13,
17 Interlocal Cooperation Act, with a [city or] county or municipality to share costs incurred under
18 this section.

19 (5) Additional highways and intersections under the administrative jurisdiction of a county
20 or [city] municipality may be added to a traffic management system upon application of the county
21 or [city] municipality after:

22 (a) a recommendation of the committee;

23 (b) approval by the department;

24 (c) determination of the appropriate cost share of the addition under Subsection (4)(a); and

25 (d) an agreement under Subsection (4)(b).

26 Section 168. Section **72-6-116**, which is renumbered from Section 27-12-11 is renumbered
27 and amended to read:

28 ~~[27-12-11]~~. **72-6-116. Regulation of utilities -- Relocation of utilities.**

29 (1) [In] As used in this section:

30 (a) "Cost of relocation" includes the entire amount paid by the utility company properly
31 attributable to the relocation of the utility after deducting any increase in the value of the new

1 utility and any salvage value derived from the old utility.

2 [~~(b)~~ "Interstate system" means any highway included as a part of the national system of
3 interstate and defense highways, as provided in the Federal-Aid Highway Act of 1956 and any
4 supplemental or amendatory acts.]

5 [~~(c)~~] (b) "Utility" includes telephone, gas, electricity, cable television, water, and sewer
6 transmission lines, drainage and irrigation systems, and other similar utilities located in, on, along,
7 across, over, through, or under any state highway.

8 [~~(d)~~] (c) "Utility company" means a privately, cooperatively, or publicly owned utility
9 including utilities owned by political subdivisions.

10 (2) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
11 the department may make rules for the installation, construction, maintenance, repair, renewal, and
12 relocation of all utilities.

13 (b) (i) If the department determines under the rules established in this section that it is
14 necessary that any utilities should be relocated, the utility company owning or operating the
15 utilities shall relocate the utilities in accordance with the order of the department.

16 (ii) The cost of relocation in connection with the highway systems shall be paid by the
17 department in all cases where:

18 (A) proportionate reimbursement of the cost may be obtained by the state of Utah from
19 the United States pursuant to the Federal-Aid Highway Act of 1956; and

20 (B) the utility is owned or operated by a political subdivision whether or not federal
21 reimbursement may be obtained.

22 (iii) In case of any relocation of a utility, the utility company owning or operating the
23 utility, its successors or assigns, may maintain and operate the utility, with the necessary
24 appurtenances, in the new location.

25 (3) The cost of relocating a utility in connection with any project on [~~the federal-aid~~
26 ~~primary or secondary systems~~] a highway eligible for federal aid, or on the interstate system is a
27 cost of highway construction.

28 Section 169. Section **72-6-117** is enacted to read:

29 **72-6-117. Limited-access facilities and service roads -- Access -- Right-of-way**
30 **acquisition -- Grade separation -- Written permission required.**

31 (1) A highway authority, acting alone or in cooperation with the federal government,

1 another highway authority, or another state may plan, designate, establish, regulate, vacate, alter,
2 improve, maintain, and provide a limited-access facility including a service road to the
3 limited-access facility.

4 (2) A highway authority may regulate, restrict, or prohibit the use of a limited-access
5 facility by pedestrians, animals, or by the various classes of vehicles or traffic.

6 (3) A highway authority may divide and separate any limited-access facility into separate
7 roadways by the construction of raised curbing, central dividing sections, or other physical
8 separations, or by designating separate roadways by signs, markers, stripes, and other appropriate
9 devices.

10 (4) A person may not enter, exit, or cross a limited-access facility, except at designated
11 points at which access is permitted by the highway authority.

12 (5) A highway authority may acquire, by gift, devise, purchase, or condemnation, private
13 or public property and property rights for a limited-access facility and service road, including
14 rights of access, air, view, and light. All property rights acquired under this section may be in fee
15 simple or in any lesser estate or interest. A highway authority may acquire an entire lot, block, or
16 tract of land, if needed, even though the entire lot, block, or tract is not immediately needed for the
17 right-of-way of the limited-access facility or service road.

18 (6) A highway authority may designate and establish limited-access highways as new
19 facilities or may designate and establish an existing highway as part of a limited-access facility.

20 (7) (a) A highway authority may provide for the elimination of at grade intersections of
21 a limited-access facility and an existing highway by grade separation, service road, or by closing
22 the intersecting highway.

23 (b) A highway authority may not connect or intersect a limited access facility without the
24 written consent and previous approval of the highway authority having jurisdiction over the
25 limited-access facility.

26 (8) Highway authorities may enter into agreements with each other, or with the federal
27 government, on the financing, planning, establishment, improvement, maintenance, use,
28 regulation, or vacation of limited-access facilities or other public ways in their respective
29 jurisdiction, to facilitate the purposes of this section.

30 Section 170. Section **72-6-118**, which is renumbered from Section 27-12-132.1 is
31 renumbered and amended to read:

1 ~~[27-12-132.1].~~ **72-6-118. Definitions -- Establish and operate tollways --**

2 **Imposition and collection of tolls -- Amount of tolls -- Rulemaking.**

3 (1) As used in this section:

4 (a) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

5 (b) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
6 designed and used as a transportation route that is constructed, operated, or maintained through
7 the use of toll revenues.

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

9 (a) establish and operate tollways and related facilities for the purpose of funding in whole
10 or in part the acquisition of right-of-way and the design, construction, reconstruction, operation,
11 and maintenance of or impacts from a transportation route for use by the public;

12 (b) enter into contracts, agreements, licenses, franchises, or other arrangements to
13 implement this section; and

14 (c) impose and collect tolls on any tollway established under this section.

15 (3) (a) The department or other entity may not establish or operate a tollway on a state
16 highway, except as approved by the commission and the Legislature.

17 (b) Between sessions of the Legislature, a state tollway may be designated or deleted if:

18 (i) approved by the commission in accordance with the standards made under this section;
19 and

20 (ii) the tollways are submitted to the Legislature in the next year for legislative approval
21 or disapproval.

22 (c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the department
23 shall provide a description of the tollway project, projected traffic, the anticipated amount of tolls
24 to be charged, and projected toll revenue.

25 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
26 commission shall set the amount of any toll imposed or collected on a tollway on a state highway.

27 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
28 department shall make rules necessary to establish and operate tollways on state highways. The
29 rules shall include minimum criteria for having a tollway.

30 (6) The commission may provide funds for public or private tollway pilot projects from
31 General Fund monies appropriated by the Legislature to the commission for that purpose.

1 Section 171. Section **72-7-101** is enacted to read:

2 **CHAPTER 7. PROTECTION OF HIGHWAYS**

3 **Part 1. Protection of Rights-of-way**

4 **72-7-101. Title.**

5 This chapter is known as the "Protection of Highways Act."

6 Section 172. Section **72-7-102**, which is renumbered from Section 27-12-133 is
7 renumbered and amended to read:

8 ~~[27-12-133].~~ **72-7-102. Excavations, structures, or objects prohibited within**
9 **right-of-way except in accordance with law -- Penalty for violation.**

10 (1) Except as [otherwise] provided in Subsection (2) and Section 54-4-15[~~Utah Code~~
11 ~~Annotated, 1953, no~~] a person may not:

12 (a) dig or excavate, within the right-of-way of any state highway, county road, or city
13 street [~~shall be dug up or excavated and no~~]; or

14 (b) place, construct, or maintain any approach road, driveway, pole, pipeline, conduit,
15 sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or
16 character [~~shall be placed, constructed, or maintained~~] within [~~any such~~] the right-of-way [~~except~~
17 ~~as permitted by, and in accordance with, the regulations of the~~].

18 (2) (a) A highway [authorities] authority having jurisdiction over [such] the right-of-way
19 may allow excavating, installation of utilities and other facilities or access under rules made by the
20 highway authority and in compliance with federal, state, and local law as applicable.

21 (b) The rules may require a permit for any excavation or installation and may require a
22 surety bond or other security. The permit may be revoked and the surety bond or other security
23 may be forfeited for cause.

24 [~~Any~~] (3) A person who violates the provisions of [this section] Subsection (1) is guilty
25 of a class B misdemeanor.

26 Section 173. Section **72-7-103**, which is renumbered from Section 27-12-134 is
27 renumbered and amended to read:

28 ~~[27-12-134].~~ **72-7-103. Limitation on access authority.**

29 [~~Except as otherwise provided in Section 54-4-15, Utah Code Annotated, 1953, the~~
30 ~~highway authorities of the state, counties, cities, and towns are authorized to adopt regulations, and~~
31 ~~may require a permit containing reasonable terms and conditions, for the crossing, digging-up, or~~

1 the placement, construction, and maintenance of approach roads, driveways, structures, poles,
2 pipelines, conduits, sewers, ditches, culverts, facilities, or any other structures or objects of any
3 kind or character on the public highway rights-of-way under their respective jurisdiction. Said
4 highway authorities may require a surety bond or other reasonable security which may be forfeited
5 in the event the regulations or the conditions of a permit are breached.]

6 [The] A highway authority [~~granted by this section shall not be exercised so as to~~] may not
7 deny reasonable ingress and egress to property adjoining a public highway except where [said]:

8 (1) the highway [~~authorities have acquired such~~] authority acquires right of ingress and
9 egress by gift, agreement, purchase, eminent domain, or otherwise; or [where]

10 (2) no right of ingress or egress exists between the right-of-way and the adjoining property.

11 Section 174. Section **72-7-104**, which is renumbered from Section 27-12-135 is
12 renumbered and amended to read:

13 [~~27-12-135~~]. **72-7-104. Installations constructed in violation of rules -- Rights**
14 **of highway authorities to remove or require removal.**

15 (1) If any person, firm, or corporation installs, places, constructs, alters, repairs, or
16 maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor
17 advertising sign, or any other structure or object of any kind or character within the right-of-way
18 of any highway without complying with this [chapter] title, the highway [authorities] authority
19 having jurisdiction over the right-of-way may:

20 (a) remove the installation from the right-of-way or require the person, firm, or corporation
21 to remove the installation; or

22 (b) give written notice to the person, firm, or corporation to remove the installation from
23 the right-of-way.

24 (2) Notice under Subsection (1)(b) may be served by:

25 (a) personal service; or

26 (b) (i) mailing the notice to the person, firm, or corporation by certified mail; and

27 (ii) posting a copy on the installation for ten days.

28 (3) If the installation is not removed within ten days after the notice is complete, the
29 highway [authorities] authority may remove the installation at the expense of the person, firm, or
30 corporation.

31 (4) [The] A highway [authorities] authority may recover:

1 (a) the costs and expenses incurred in removing the installation, serving notice, and the
2 costs of a lawsuit if any; and

3 (b) \$10 for each day the installation remained within the right-of-way after notice was
4 complete.

5 (5) (a) If the person, firm, or corporation disputes or denies the existence, placement,
6 construction, or maintenance of the installation, or refuses to remove or permit its removal, the
7 highway ~~[authorities]~~ authority may bring an action to abate the installation as a public nuisance.

8 (b) If the highway ~~[authorities are]~~ authority is granted a judgment, the highway
9 ~~[authorities]~~ authority may recover the costs of having the public nuisance abated as provided in
10 Subsection (4).

11 (6) The department, its agents, or employees, if acting in good faith, incur no liability for
12 causing removal of an installation within a right-of-way of a highway as provided in this section.

13 (7) The actions of the department under this section are not subject to the provisions of
14 Title 63, Chapter 46b, the Administrative Procedures Act.

15 Section 175. Section **72-7-105**, which is renumbered from Section 27-12-138 is
16 renumbered and amended to read:

17 ~~[27-12-138].~~ **72-7-105. Obstructing traffic on sidewalks or highways**
18 **prohibited.**

19 (1) ~~[It is unlawful to]~~ A person may not:

20 (a) drive or place any vehicle, animal, or other thing upon or along any sidewalk except
21 in crossing the sidewalk to or from abutting property[;]; or [to]

22 (b) permit the vehicle, animal, or other thing to remain on or across any sidewalk in a way
23 that impedes or obstructs the ordinary use of the sidewalk.

24 (2) ~~[Vehicles]~~ (a) Except under Subsection (2)(b), vehicles, building material, or other
25 similar things may be placed temporarily on highways in a manner that will not impede, endanger,
26 or obstruct ordinary traffic[; but no].

27 (b) A highway authority may prohibit or may require the removal of vehicles, building
28 material, or other obstructions ~~[are permitted to remain]~~ on any highway ~~[contrary to instructions~~
29 ~~from the highway authority having]~~ under their jurisdiction [over the highway].

30 Section 176. Section **72-7-106**, which is renumbered from Section 27-12-138.5 is
31 renumbered and amended to read:

1 ~~[27-12-138.5].~~ **72-7-106. Gates on B system county highways.**

2 (1) The county executive of any county may provide for the erection and maintenance of
3 gates on the B system county highways in order to avoid the necessity of building highway fences.

4 (2) The person for whose immediate benefit the gates are erected or maintained shall in
5 all cases bear the expense ~~[of such erections and maintenance]~~.

6 (3) Nothing contained in Section ~~[27-12-138]~~ 72-7-105 shall be construed to prohibit any
7 person from placing any unlocked, nonrestrictive gate across any B system county highway, or
8 maintaining the same, with the approval of the county executive of that county.

9 (4) ~~[No gates shall]~~ A gate may not be allowed on any B system county highways except
10 those gates allowed by the county executive in accordance with the provisions of this section. If
11 the expense of the erection and maintenance of ~~[such]~~ the allowed gates is not paid or if any lock
12 or other device is placed upon ~~[such]~~ the gates so as to make them restrictive, the county executive
13 of that county shall notify the responsible party that their approval is terminated and the gate shall
14 ~~[thereafter]~~ be ~~[deemed]~~ considered to be an obstruction pursuant to Section ~~[27-12-138]~~ 72-7-105.

15 (5) ~~[No]~~ The placement or maintenance of gates with the consent of the county executive
16 across B system county highways ~~[nor the maintenance thereof]~~ for the statutory period of time
17 ~~[shall]~~ does not constitute ~~[nor]~~ or establish an abandonment by the county ~~[or]~~ and does not
18 establish an easement on behalf of the person establishing ~~[such]~~ the gate.

19 (6) ~~[Any]~~ A person ~~[committing]~~ who commits any of the following acts ~~[shall be]~~ is
20 guilty of a class B misdemeanor and~~[, in addition, shall be]~~ is liable for any and all damages
21 suffered by any party as a result of ~~[such]~~ the acts:

22 (a) leave open any gate, erected or maintained ~~[pursuant to]~~ under this section;

23 (b) unnecessarily drive over the ground adjoining the highway on which ~~[such]~~ the a gate
24 is erected;

25 (c) place any lock or other restrictive device on ~~[such]~~ a gate; or

26 (d) violate any rules or regulations of any county legislative body relating to ~~[such]~~ the
27 gates within the county.

28 (7) The provisions of this section relating to maintenance and removal of gates over B
29 system county highways ~~[shall be deemed to apply]~~ applies retrospectively to all ~~[such]~~ gates in
30 existence on ~~[the effective date of this act]~~ April 1, 1976.

31 Section 177. Section **72-7-201**, which is renumbered from Section 27-12-137.2 is

1 renumbered and amended to read:

2 **Part 2. Junkyard Control Act**

3 ~~[27-12-137.2].~~ **72-7-201. Purpose.**

4 The regulation of junkyards in areas adjacent to any state highway included in the national
5 system of interstate and primary highways is ~~[hereby declared in the]~~ a statewide public [interest]
6 purpose and necessary to promote the public safety, health, welfare, convenience, and enjoyment
7 of public travel, to protect the public investment in public highways, and to preserve and enhance
8 the scenic beauty of lands bordering on ~~[such]~~ the highways.

9 Section 178. Section **72-7-202**, which is renumbered from Section 27-12-137.3 is
10 renumbered and amended to read:

11 ~~[27-12-137.3].~~ **72-7-202. Definitions.**

12 As used in ~~[Sections 27-12-137.3 through 27-12-137.13]~~ this part:

13 (1) "Automobile graveyard" means any establishment or place of business which is
14 maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined,
15 or dismantled motor vehicles or motor vehicle parts.

16 ~~[(2) "Interstate system" means that portion of the national defense system of interstate and
17 defense highways located within this state officially designated pursuant to Title 23, United States
18 Code, Highways.]~~

19 ~~[(3)]~~ (2) "Junk" means old or scrap copper, brass, rope, rags, batteries, ~~[and]~~ plastic,
20 paper[;], trash[;], rubber [debris;], waste[;], junked, dismantled, or wrecked automobiles or their
21 parts [thereof;], and iron, steel, and other old or scrap ferrous or nonferrous material.

22 ~~[(4)]~~ (3) "Junkyard" means any place, establishment, or business maintained, used, or
23 operated for storing, keeping, buying, or selling junk, or for the maintenance or operation of an
24 automobile graveyard~~[, and the term includes]~~. Junkyard includes a salvage yard, war surplus
25 yard, garbage [dumps] dump, recycling [facilities] facility, garbage processing [facilities] facility,
26 and sanitary land [fills] fill.

27 ~~[(5) "Primary system" means that portion of connected main highways located within this
28 state officially designated pursuant to Title 23, United States Code, Highways.]~~

29 Section 179. Section **72-7-203**, which is renumbered from Section 27-12-137.4 is
30 renumbered and amended to read:

31 ~~[27-12-137.4].~~ **72-7-203. License required.**

1 (1) A person may not establish, operate, or maintain a junkyard, any portion of which is
2 within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary
3 highway, without obtaining a license [~~to do so~~] from the department under this part.

4 (2) A municipality may adopt ordinances, not in conflict with this part, to regulate the
5 creation or maintenance of junkyards of any type within 660 feet of the right-of-way of designated
6 state and federal highways within the jurisdictional limits of the adopting municipality.

7 (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
8 department may make rules, not in conflict with this part, to regulate the creation and maintenance
9 of junkyards within 660 feet of the right-of-way of designated federal and state highways outside
10 the jurisdictional limits of a municipality.

11 Section 180. Section **72-7-204**, which is renumbered from Section 27-12-137.5 is
12 renumbered and amended to read:

13 ~~[27-12-137.5].~~ **72-7-204. Issuance of licenses -- Fees -- Duration -- Renewal --**
14 **Disposition of proceeds.**

15 (1) The department has the sole authority to issue licenses for the establishment,
16 maintenance, and operation of junkyards within the limits defined in Section ~~[27-12-137.4]~~
17 27-7-203, and shall charge a \$10 license fee payable annually in advance.

18 (2) All licenses issued under this section expire on the first day of January following the
19 date of issue. Licenses may be renewed from year to year upon payment of the requisite fee.

20 (3) Proceeds from the license fee shall be deposited with the state treasurer and credited
21 to the Transportation Fund.

22 Section 181. Section **72-7-205**, which is renumbered from Section 27-12-137.6 is
23 renumbered and amended to read:

24 ~~[27-12-137.6].~~ **72-7-205. Conditions for licensing of junkyard within 1,000 feet**
25 **of highway.**

26 (1) [A] The department may not grant a license [~~may not be granted~~] for the establishment,
27 maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way
28 of any highway on the interstate or primary systems [~~except those~~] unless the junkyard is:

29 (a) [~~that are~~] screened by natural objects, plantings, fences, or other appropriate means so
30 [~~as~~] the junkyard is not [~~to be~~] visible from the main-traveled-way of the system; and

31 (b) (i) located within areas that are zoned for industrial use under [~~authority of law~~] county

1 or municipal ordinances; [and] or

2 ~~[(c)]~~ (ii) located within unzoned industrial areas, ~~[which areas shall be]~~ determined by
3 actual land uses as defined by rules made by the department in accordance with Title 63, Chapter
4 46a, Utah Administrative Rulemaking Act.

5 (2) A junkyard controlled by this ~~[chapter]~~ part may not be expanded or have its use
6 extended except by permission of the department ~~[pursuant to]~~ under rules made by the department
7 ~~[rules]~~.

8 Section 182. Section **72-7-206**, which is renumbered from Section 27-12-137.7 is
9 renumbered and amended to read:

10 ~~[27-12-137.7]~~. **72-7-206. Screening of existing junkyards.**

11 (1) ~~[Any]~~ The department shall screen any junkyard lawfully in existence on [the effective
12 date of Sections 27-12-137.3 through 27-12-137.13] May 9, 1967, which is located within 1,000
13 feet of the nearest edge of the right-of-way and visible from the main-traveled-way of any highway
14 on the interstate or primary system ~~[shall be screened, if considered feasible by the department]~~.

15 (2) The screening shall be at locations on the right-of-way or in areas outside the
16 right-of-way acquired for that purpose and ~~[shall]~~ may not be visible from the main-traveled-way
17 of the interstate or federal-aid primary systems.

18 ~~[(2) Junkyard]~~ (3) The department may not install junkyard screening [may not be
19 undertaken pursuant to this subsection] under this section unless the necessary federal funds for
20 participation have been appropriated by the federal government and are immediately available to
21 the state.

22 Section 183. Section **72-7-207**, which is renumbered from Section 27-12-137.9 is
23 renumbered and amended to read:

24 ~~[27-12-137.9]~~. **72-7-207. Junkyards not adaptable to screening -- Authority of**
25 **department to acquire land -- Compensation.**

26 (1) If the department determines that the topography of the land adjoining the interstate
27 and primary systems will not permit adequate screening of junkyards or that screening would not
28 be economically feasible, the department may acquire by gift, purchase, exchange, or eminent
29 domain the interests in lands necessary to secure the relocation, removal, or disposal of the
30 junkyards.

31 (2) If the department determines that it is in the best interests of the state, it may acquire

1 lands, or interests in lands, necessary to provide adequate screening of junkyards.

2 (3) The acquisitions provided for in this section may not be undertaken unless the
3 necessary federal funds for participation have been appropriated by the federal government and
4 are immediately available to the state.

5 (4) Damages resulting from any taking of property in eminent domain shall be ascertained
6 in the manner provided by law.

7 (5) Just compensation shall be paid the owner for the relocation, removal, or disposal of
8 a junkyard lawfully established under the laws of this state and which must be relocated, removed,
9 or disposed of under [~~Sections 27-12-137.3 through 27-12-137.13~~] this part.

10 Section 184. Section **72-7-208**, which is renumbered from Section 27-12-137.10 is
11 renumbered and amended to read:

12 [~~27-12-137.10~~]. **72-7-208. Junkyard operated in violation of provisions is public**
13 **nuisance -- Abatement -- Correction notice.**

14 (1) The establishment, operation, or maintenance of any junkyard contrary to the
15 provisions of [~~Sections 27-12-137.3 through 27-12-137.13~~] this part is a public nuisance, and the
16 department, with the advice of the attorney general, may apply to the district court of the county
17 in which the junkyard is located for an injunction to abate the nuisance.

18 (2) A correction notice of 30 days shall be given the owner prior to filing for an injunction
19 to abate the nuisance.

20 (3) A notice is not required prior to filing a misdemeanor complaint [~~pursuant to~~] under
21 Section [~~27-12-137.13~~] 72-7-211.

22 Section 185. Section **72-7-209**, which is renumbered from Section 27-12-137.11 is
23 renumbered and amended to read:

24 [~~27-12-137.11~~]. **72-7-209. Enforcement authority -- Agreements with United**
25 **States.**

26 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
27 department may make rules:

28 (a) governing the materials that may be used for screening and the location, construction,
29 and maintenance of screening for junkyards; and

30 (b) implementing and enforcing [~~Sections 27-12-137.3 through 27-12-137.13~~] this part.

31 (2) The department may:

1 (a) enter into agreements with the secretary pursuant to Title 23, United States Code as
 2 amended, relating to the control of junkyards in areas adjacent to the interstate and primary
 3 systems; and

4 (b) take action in the name of the state to comply with the terms of the agreements.

5 Section 186. Section **72-7-210**, which is renumbered from Section 27-12-137.12 is
 6 renumbered and amended to read:

7 ~~[27-12-137.12].~~ **72-7-210. Present ordinances or regulations may be stricter.**

8 Nothing in this ~~[act shall affect]~~ part affects the provisions of any lawful ordinance or
 9 regulation which is more restrictive than the provisions of this ~~[act]~~ part.

10 Section 187. Section **72-7-211**, which is renumbered from Section 27-12-137.13 is
 11 renumbered and amended to read:

12 ~~[27-12-137.13].~~ **72-7-211. Violations -- Misdemeanor.**

13 A person who violates any provision of ~~[Sections 27-12-137.3 through 27-12-137.13]~~ this
 14 part or rules of the department made under ~~[Sections 27-12-137.3 through 27-12-137.13]~~ this part
 15 is guilty of a class B misdemeanor.

16 Section 188. Section **72-7-301**, which is renumbered from Section 27-12-144 is
 17 renumbered and amended to read:

18 **Part 3. Highway Damage Liability**

19 ~~[27-12-144].~~ **72-7-301. Liability for damage to highway, highway equipment,**
 20 **or highway sign -- Liability for damage to highway from illegal operation of oversize or**
 21 **overweight vehicles -- Recovery.**

22 (1) ~~[Any]~~ A person who by any means willfully or negligently injures or damages any
 23 highway, highway equipment, or highway sign is liable for the damage.

24 (2) ~~[Any]~~ A person ~~[operating]~~ who operates or ~~[moving]~~ moves any vehicle or object on
 25 any highway is liable for all damage that the highway sustains from:

26 (a) any illegal operation or movement of a vehicle or object; ~~[or]~~ and

27 (b) ~~[operation or movement of]~~ any vehicle or object that exceeds the maximum size,
 28 weight, or load limitations specified by law, with or without authority of an oversize or overweight
 29 permit.

30 (3) (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or
 31 object but is operating or moving the vehicle or object with the express or implied permission of

1 the owner, the owner and operator are jointly and severally liable under Subsection (2) for any
2 damage caused to a highway by the operation or movement of the vehicle or object.

3 (b) An operator who is not the owner of the vehicle or object and who under an express
4 or implied condition of his employment or any privilege related to his employment is required to
5 operate or move a vehicle or object in violation of [~~Section 27-12-148.5, 27-12-149, 27-12-151,~~
6 ~~or 27-12-154~~] Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage
7 caused to a highway by the illegal operation or movement of the vehicle or object.

8 (4) The value of the property damaged may be recovered in a civil action brought by the
9 highway authority having jurisdiction over the property damaged.

10 Section 189. Section **72-7-302**, which is renumbered from Section 27-12-143 is
11 renumbered and amended to read:

12 [~~27-12-143~~]. **72-7-302. Violations of rules as to use -- Damage to signs,**
13 **warnings, or barriers -- Penalty.**

14 (1) A person is guilty of a class B misdemeanor who:

15 (a) willfully violates any of the rules of the department or the commission [~~as to~~] on the
16 use of state highways or traffic on them; or

17 (b) willfully and unlawfully removes, defaces, or interferes with any highway sign, signal,
18 notice, warning, or barrier.

19 (2) A person who commits an offense under Subsection (1)(b) that results in any injury
20 to persons or damage to property is guilty of a class A misdemeanor.

21 Section 190. Section **72-7-303**, which is renumbered from Section 27-12-141 is
22 renumbered and amended to read:

23 [~~27-12-141~~]. **72-7-303. Escaping water and other obstructions -- Injuring or**
24 **obstructing highway -- Penalty for violations.**

25 [~~Any~~] (1) A person [~~who~~] may not willfully or carelessly [~~obstructs~~]:

26 (a) obstruct or [~~injures~~] damage any public highway by causing or permitting flow or
27 seepage of water[~~, or who willfully or carelessly permits~~];

28 (b) permit water under [~~his~~] the person's control to escape in any manner [~~so as to injure~~
29 ~~any such~~] that results in damage to a public highway[~~, and any person who willfully or carelessly~~
30 ~~places~~];

31 (c) place or [~~leaves~~] leave, or [~~causes~~] cause to be placed or left, anything upon [~~any such~~]

1 a public highway in [such] a way [~~as to obstruct~~] that obstructs travel or [~~to endanger~~] that
2 endangers property or persons passing [~~upon such~~] on the highway[;].

3 (2) A person who violates this section is guilty of a class B misdemeanor.

4 Section 191. Section **72-7-304**, which is renumbered from Section 27-12-142 is
5 renumbered and amended to read:

6 [~~27-12-142~~]. **72-7-304. Injury to trees on highways -- Penalty for violations.**

7 [~~Whoever digs~~] (1) A person may not dig up, [cuts] cut down, or otherwise [~~injures or~~]
8 willfully [~~destroys~~] damage or destroy any shade, ornamental, or other tree, planted and standing
9 on any public highway in conformity to law.

10 (2) A person who violates this section is guilty of a class B misdemeanor[;] and [shall also
11 be] is liable to the owner of the tree for treble the amount of damages sustained.

12 Section 192. Section **72-7-305**, which is renumbered from Section 27-12-139 is
13 renumbered and amended to read:

14 [~~27-12-139~~]. **72-7-305. Driving animals over highways -- Liability for**
15 **damages.**

16 [~~Any~~] (1) Except for a livestock highway, a person who drives a herd of domestic animals
17 over a public highway [which is not a livestock highway as provided by law shall be] is liable for
18 any damage done by [such] the animals in destroying the banks or rolling rocks into or upon [such]
19 the highway. [Such]

20 (2) The damage may be recovered in a civil action brought by [the] a highway [authorities]
21 authority having jurisdiction over [such] the highway.

22 Section 193. Section **72-7-306**, which is renumbered from Section 27-12-140 is
23 renumbered and amended to read:

24 [~~27-12-140~~]. **72-7-306. Limited highways -- Penalty for driving animals over.**

25 (1) [~~Where public highways are~~] A highway authority may declare a public highway that
26 is laid out through improved lands [~~and such lands~~] that are not protected by fences along the lines
27 of the [highways] highway passing through [them] it, [~~the highway authorities having jurisdiction~~
28 ~~over such highways, may declare them~~] to be limited highways. A notice to that effect shall be
29 posted at each end of [such] a limited [highways, and any] highway.

30 (2) A person who willfully drives any band or herd of domestic animals over [such
31 highways other than] a limited highway except during the time that the abutting lands are thrown

1 open to the public by the owners [thereof] for grazing purposes, is guilty of a class B
2 misdemeanor.

3 Section 194. Section **72-7-401**, which is renumbered from Section 27-12-148 is
4 renumbered and amended to read:

5 **Part 4. Vehicle Size, Weight, and Load Limitations**

6 ~~[27-12-148]~~. **72-7-401. Application of size, weight, and load limitations for**
7 **vehicles -- Exceptions.**

8 (1) (a) Except as provided in Subsection (2), the maximum size, weight, and load
9 limitations on vehicles under [~~Sections 27-12-146 through 27-12-154~~] this part apply to all
10 highways throughout the state.

11 (b) Local authorities may not alter the limitations except as expressly provided under
12 Sections [~~27-12-145 and~~] 41-6-17 and 72-7-408.

13 (2) Except as specifically made applicable, the size, weight, and load limitations in this
14 chapter do not apply to:

15 (a) fire-fighting apparatus;

16 (b) highway construction and maintenance equipment being operated at the site of
17 maintenance or at a construction project as authorized by a highway [~~authorities~~] authority;

18 (c) implements of husbandry incidentally moved on a highway while engaged in an
19 agricultural operation or incidentally moved for repair or servicing, subject to the provisions of
20 Section [~~27-12-148.5~~] 72-7-407;

21 (d) vehicles transporting logs or poles from forest to sawmill:

22 (i) when required to move upon a highway other than the national system of interstate and
23 defense highways;

24 (ii) if the gross vehicle weight does not exceed 80,000 pounds; and

25 (iii) the vehicle or combination of vehicles are in compliance with Subsections
26 [~~27-12-151~~] 72-7-404 (1) and (2)(a); and

27 (e) tow trucks or towing vehicles under emergency conditions when:

28 (i) it becomes necessary to move a vehicle, combination of vehicles, special mobile
29 equipment, or objects to the nearest safe area for parking or temporary storage;

30 (ii) no other alternative is available; and

31 (iii) the movement is for the safety of the traveling public.

1 (3) (a) Except when operating on the national system of interstate and defense highways,
2 a motor vehicle carrying livestock as defined in Section 4-1-8, or a motor vehicle carrying raw
3 grain if the grain is being transported by the farmer from his farm to market prior to bagging,
4 weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight limitations
5 specified under Section ~~[27-12-151]~~ 72-7-404 without obtaining an overweight permit under
6 Section ~~[27-12-154]~~ 72-7-406.

7 (b) Subsection (a) is an exception to Sections ~~[27-12-151]~~ 72-7-404 and ~~[27-12-154]~~
8 72-7-406.

9 Section 195. Section **72-7-402**, which is renumbered from Section 27-12-149 is
10 renumbered and amended to read:

11 ~~[27-12-149]~~. **72-7-402. Limitations as to vehicle width, height, length, and**
12 **load extensions.**

13 (1) (a) ~~[All]~~ Except as provided by statute, all state or federally approved safety devices
14 and any other lawful appurtenant devices, including refrigeration units, hitches, air line
15 connections, and load securing devices related to the safe operation of a vehicle are excluded for
16 purposes of measuring the width and length of a vehicle under the provisions of this ~~[chapter]~~ part,
17 if the devices are not designed or used for carrying cargo.

18 (b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles
19 under the provisions of this ~~[chapter]~~ part.

20 (2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

21 (3) A vehicle unladen or with a load may not exceed a height of 14 feet.

22 (4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet
23 including front and rear bumpers.

24 (ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not
25 considered a single-unit vehicle.

26 (b) (i) Except as provided under Subsection (b)(iii), a semitrailer, unladen or with a load,
27 may not exceed a length of 48 feet excluding refrigeration units, hitches, air line connections, and
28 safety appurtenances.

29 (ii) There is no overall length limitation on a truck tractor and semitrailer combination
30 when the semitrailer length is 48 feet or less.

31 (iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet

1 may operate on a route designated by the department or within one mile of that route.

2 (c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall
3 length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

4 (ii) There is no overall length limitation on a truck tractor and double trailer combination
5 when the trailers coupled together measure 61 feet or less.

6 (d) All other combinations of vehicles, unladen or with a load, when coupled together,
7 may not exceed a total length of 65 feet, except the length limitations do not apply to combinations
8 of vehicles operated at night by a public utility when required for emergency repair of public
9 service facilities or properties, or when operated under a permit under Section [~~27-12-154~~]
10 72-7-406.

11 (5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any
12 load extending more than three feet beyond the front of the body of the vehicle or more than six
13 feet beyond the rear of the bed or body of the vehicle.

14 (b) A passenger vehicle may not carry any load extending beyond the line of the fenders
15 on the left side of the vehicle nor extending more than six inches beyond the line of the fenders
16 on the right side of the vehicle.

17 (6) Any exception to this section must be authorized by a permit as provided under
18 Section [~~27-12-154~~] 72-7-406.

19 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
20 department shall make rules designating routes where a semitrailer that exceeds a length of 48 feet
21 but that does not exceed a length of 53 feet may operate as provided under Subsection (4)(b)(iii).

22 (8) Any person who violates this section is guilty of a class B misdemeanor.

23 Section 196. Section **72-7-403**, which is renumbered from Section 27-12-150 is
24 renumbered and amended to read:

25 [~~27-12-150~~]. **72-7-403. Towing requirements and limitations on towing.**

26 (1) (a) The draw-bar or other connection between any two vehicles, one of which is towing
27 or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other
28 except in the case of a connection between any two vehicles transporting poles, pipe, machinery,
29 or structural material that cannot be dismembered when transported upon a pole trailer as defined
30 in Section 41-6-1.

31 (b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or

1 other signal or cloth not less than 12 inches both in length and width shall be displayed on or near
2 the midpoint of the connection.

3 (2) A person may not operate a combination of vehicles when any trailer, semitrailer, or
4 other vehicle being towed:

5 (a) whips or swerves from side to side dangerously or unreasonably[;]; or

6 (b) fails to follow substantially in the path of the towing vehicle.

7 (3) [~~Any~~] A person who violates this section is guilty of a class B misdemeanor.

8 Section 197. Section **72-7-404**, which is renumbered from Section 27-12-151 is
9 renumbered and amended to read:

10 ~~[27-12-151].~~ **72-7-404. Maximum gross weight limitation for vehicles --**

11 **Bridge formula for weight limitations -- Minimum mandatory fines.**

12 (1) (a) As used in this section:

13 (i) "Axle load" means the total load on all wheels whose centers may be included between
14 two parallel transverse vertical planes 40 inches apart.

15 (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more than
16 96 inches apart and having at least one common point of weight suspension.

17 (b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may not
18 carry a greater weight than the manufacturer's rating.

19 (2) (a) A vehicle may not be operated or moved on any highway in the state with:

20 (i) a gross weight in excess of 10,500 pounds on one wheel;

21 (ii) a single axle load in excess of 20,000 pounds; or

22 (iii) a tandem axle load in excess of 34,000 pounds.

23 (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle or
24 combination of vehicles may not exceed 80,000 pounds.

25 (3) (a) Subject to the limitations in Subsection (2), no group of two or more consecutive
26 axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or
27 combination of vehicles may carry a gross weight in excess of the weight provided by the
28 following bridge formula, except as provided in Subsection (3)(b):

$$29 \qquad \qquad \qquad W = 500 \{LN/(N-1) + 12N+36\}$$

30 (i) W = overall gross weight on any group of two or more consecutive axles to the nearest
31 500 pounds.

1 (ii) L = distance in feet between the extreme of any group of two or more consecutive
2 axles. When the distance in feet includes a fraction of a foot of one inch or more the next larger
3 number of feet shall be used.

4 (iii) N = number of axles in the group under consideration.

5 (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each
6 if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36
7 feet or more.

8 (4) Any exception to this section must be authorized by an overweight permit as provided
9 in Section [~~27-12-154~~] 72-7-406.

10 (5) (a) Any person who violates this section is guilty of a class B misdemeanor except that,
11 notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest minimum
12 mandatory fine of either:

13 (i) \$50 plus the sum of the overweight axle fines calculated under Subsection (b); or

14 (ii) \$50 plus the gross vehicle weight fine calculated under Subsection (b).

15 (b) The fine for each axle and a gross vehicle weight violation shall be calculated
16 according to the following schedule:

17 Number of Pounds 18 Overweight	Axle Fine (Cents per Pound for Each 19 Overweight Axle)	Gross Vehicle Weight Fine (Cents per Pound)
20 1 - 2,000	0	0
21 2,001 - 5,000	4	5
22 5,001 - 8,000	5	5
23 8,001 - 12,000	6	5
24 12,001 - 16,000	7	5
25 16,001 - 20,000	9	5
26 20,001 - 25,000	11	5
27 25,001 or more	13	5

28 Section 198. Section **72-7-405**, which is renumbered from Section 27-12-153 is
29 renumbered and amended to read:

30 [~~27-12-153~~]. **72-7-405. Measuring vehicles for size and weight compliance --**
31 **Summary powers of peace officers -- Penalty for violations.**

1 (1) Any peace officer having reason to believe that the height, width, length, or weight of
 2 a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a
 3 measurement or weighing of the vehicle and load.

4 (2) A peace officer may require that the vehicle be driven to the nearest scales or
 5 port-of-entry if the scales or port-of-entry is within three miles.

6 (3) (a) A peace officer, special function officer, or port-of-entry agent may measure or
 7 weigh a vehicle and vehicle load for compliance with this chapter.

8 (b) If, upon measuring or weighing a vehicle and load, it is determined that the height,
 9 width, length, or weight is unlawful, the measuring or weighing peace officer, special function
 10 officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place. The
 11 vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load is
 12 removed to conform to legal limits. All materials unloaded shall be cared for by the owner or
 13 operator of the vehicle at his risk.

14 (4) ~~[Any]~~ An operator who fails or refuses to stop and submit the vehicle and load to a
 15 measurement or weighing, or who fails or refuses when directed by a peace officer, special
 16 function officer, or port-of-entry agent to comply with this section is guilty of a class B
 17 misdemeanor.

18 (5) Any driver or owner of a vehicle who violates Section ~~[27-12-150, 27-12-151,]~~
 19 72-7-404 or ~~[27-12-154]~~ 72-7-406 is guilty of a class B misdemeanor.

20 Section 199. Section **72-7-406**, which is renumbered from Section 27-12-154 is
 21 renumbered and amended to read:

22 ~~[27-12-154].~~ **72-7-406. Oversize permits and oversize and overweight permits**
 23 **for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking**
 24 **provisions -- Penalty.**

25 (1) (a) The department may, upon receipt of an application and good cause shown, issue
 26 in writing an oversize permit or an oversize and overweight permit. The oversize permit or
 27 oversize and overweight permit may authorize the applicant to operate or move upon a highway:

28 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the
 29 maximum weight specified in Section ~~[27-12-151]~~ 72-7-404 for any wheel, axle, group of axles,
 30 or total gross weight; or

31 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length

1 provisions under Section [27-12-149] 72-7-402.

2 (b) Except as provided under Subsection (8), an oversize and overweight permit may not
3 be issued under this section to allow the transportation of a load that is reasonably divisible.

4 (c) The maximum size or weight authorized by a permit under this section shall be within
5 limits that do not impair the state's ability to qualify for federal-aid highway funds.

6 (d) The department may deny or issue a permit under this section to protect the safety of
7 the traveling public and to protect highway foundation, surfaces, or structures from undue damage
8 by one or more of the following:

9 (i) limiting the number of trips the vehicle may make;

10 (ii) establishing seasonal or other time limits within which the vehicle may operate or
11 move on the highway indicated;

12 (iii) requiring security in addition to the permit to compensate for any potential damage
13 by the vehicle to any highway; and

14 (iv) otherwise limiting the conditions of operation or movement of the vehicle.

15 (e) Prior to granting a permit under this section, the department shall approve the route
16 of any vehicle or combination of vehicles.

17 (2) An application for a permit under this section shall state:

18 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
19 vehicle or combination of vehicles;

20 (b) the proposed maximum load size and maximum size of each vehicle or combination
21 of vehicles;

22 (c) the specific roads requested to be used under authority of the permit; and

23 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
24 apply.

25 (3) Each oversize permit or oversize and overweight permit shall be carried in the vehicle
26 or combination of vehicles to which it refers and shall be available for inspection by any peace
27 officer, special function officer, port of entry agent, or other personnel authorized by the
28 department.

29 (4) A permit under this section may not be issued or is not valid unless the vehicle or
30 combination of vehicles is:

31 (a) properly registered for the weight authorized by the permit; or

1 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden weight
2 authorized by the permit exceeds 80,000 pounds.

3 (5) (a) (i) An oversize permit may be issued under this section for a vehicle or combination
4 of vehicles that exceeds one or more of the maximum width, height, or length provisions under
5 Section [~~27-12-149~~] 72-7-402.

6 (ii) Except for an annual oversize permit for an implement of husbandry under Section
7 [~~27-12-148.5~~] 72-7-407, only a single trip oversize permit may be issued for a vehicle or
8 combination of vehicles that is more than 14 feet six inches wide, 14 feet high, or 105 feet long.

9 (b) The fee is \$25 for a single trip oversize permit under this subsection. This permit is
10 valid for not more than 96 continuous hours.

11 (c) The fee is \$60 for a semiannual oversize permit under this subsection. This permit is
12 valid for not more than 180 continuous days.

13 (d) The fee is \$75 for an annual oversize permit under this subsection. This permit is valid
14 for not more than 365 continuous days.

15 (6) (a) An oversize and overweight permit may be issued under this section for a vehicle
16 or combination of vehicles carrying a nondivisible load that exceeds one or more of the maximum
17 weight provisions of Section [~~27-12-151~~] 72-7-404 by not more than 25%, except that the gross
18 weight may not exceed 125,000 pounds.

19 (b) The fee is \$50 for a single trip oversize and overweight permit under this subsection.
20 This permit is valid for not more than 96 continuous hours.

21 (c) A semiannual oversize and overweight permit under this subsection is valid for not
22 more than 180 continuous days. The fee for this permit is:

23 (i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more than
24 80,000 pounds, but not exceeding 84,000 pounds;

25 (ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more than
26 84,000 pounds, but not exceeding 112,000 pounds; and

27 (iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more than
28 112,000 pounds, but not exceeding 125,000 pounds.

29 (d) An annual oversize and overweight permit under this subsection is valid for not more
30 than 365 continuous days. The fee for this permit is:

31 (i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more than

1 80,000 pounds, but not exceeding 84,000 pounds;

2 (ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more than
3 84,000 pounds, but not exceeding 112,000 pounds; and

4 (iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more than
5 112,000 pounds, but not exceeding 125,000 pounds.

6 (7) (a) A single trip oversize and overweight permit may be issued under this section for
7 a vehicle or combination of vehicles carrying a nondivisible load that exceed one or more of the
8 maximum weight provisions of Section ~~[27-12-151]~~ 72-7-404 by more than 25% or that exceeds
9 a gross weight of 125,000 pounds.

10 (b) (i) The fee for a single trip oversize and overweight permit under this subsection,
11 which is valid for not more than 96 continuous hours, is \$.01 per mile for each 1,000 pounds above
12 80,000 pounds subject to the rounding described in Subsection ~~(7)~~(c).

13 (ii) The minimum fee that may be charged under this subsection is \$65.

14 (iii) The maximum fee that may be charged under this subsection is \$450.

15 (c) (i) The miles used to calculate the fee under this subsection shall be rounded up to the
16 nearest 50 mile increment.

17 (ii) The pounds used to calculate the fee under this subsection shall be rounded up to the
18 nearest 25,000 pound increment.

19 (8) (a) An oversize and overweight permit may be issued under this section for a vehicle
20 or combination of vehicles carrying a divisible load if:

21 (i) the bridge formula under Subsection ~~[27-12-151]~~ 72-7-404(3) is not exceeded; and

22 (ii) the length of the vehicle or combination of vehicles is:

23 (A) more than 65 feet but not exceeding 92 feet and the application is for a single trip or
24 semiannual trip permit; or

25 (B) more than 92 feet but not exceeding 105 feet and the application is for an annual trip
26 permit.

27 (b) The fee is \$50 for a single trip oversize and overweight permit under this subsection.
28 The permit is valid for not more than 96 continuous hours.

29 (c) The fee for a semiannual oversize and overweight permit under this subsection, which
30 permit is valid for not more than 180 continuous days is:

31 (i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more than

1 80,000 pounds, but not exceeding 84,000 pounds;

2 (ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more than
3 84,000 pounds, but not exceeding 112,000 pounds; and

4 (iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more than
5 112,000 pounds, but not exceeding 129,000 pounds.

6 (d) The fee for an annual oversize and overweight permit under this subsection, which
7 permit is valid for not more than 365 continuous days is:

8 (i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more than
9 80,000 pounds, but not exceeding 84,000 pounds;

10 (ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more than
11 84,000 pounds, but not exceeding 112,000 pounds; and

12 (iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more than
13 112,000 pounds, but not exceeding 129,000 pounds.

14 (9) Permits under Subsections (7) and (8) may be issued only upon authorization of the
15 commission.

16 (10) Permit fees collected under this section shall be credited monthly to the
17 Transportation Fund.

18 (11) The department shall prepare maps, drawings, and instructions as guidance when
19 issuing permits under this section.

20 (12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
21 department shall make rules governing the issuance and revocation of all permits under this section
22 and Section [~~27-12-148.5~~] 72-7-407.

23 (13) Any person who violates any of the terms or conditions of a permit issued under this
24 section:

25 (a) may have his permit revoked; and

26 (b) is guilty of a class B misdemeanor.

27 Section 200. Section **72-7-407**, which is renumbered from Section 27-12-148.5 is
28 renumbered and amended to read:

29 [~~27-12-148.5~~]. **72-7-407. Implements of husbandry -- Escort vehicle**
30 **requirements -- Oversize permit -- Rulemaking -- Penalty.**

31 (1) As used in this section, "escort vehicle" means a motor vehicle, as defined under

1 Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn
2 approaching motorists by either preceding or following a slow or oversized vehicle, object, or
3 implement of husbandry being moved on the highway.

4 (2) An implement of husbandry being moved on a highway shall be accompanied by:

5 (a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or
6 greater unless the implement of husbandry is moved by a farmer or rancher or his employees in
7 connection with an agricultural operation; or

8 (b) one or more escort vehicles when the implement of husbandry is traveling on a
9 highway where special hazards exist related to weather, pedestrians, other traffic, or highway
10 conditions.

11 (3) In addition to the requirements of Subsection (2), a person may not move an implement
12 of husbandry on a highway during hours of darkness without lights and reflectors as required under
13 Section 41-6-130 or 41-6-130.5.

14 (4) (a) Except for an implement of husbandry moved by a farmer or rancher or ~~[his]~~ the
15 farmer's or rancher's employees in connection with an agricultural operation, a person may not
16 move an implement of husbandry on the highway without:

17 (i) an oversize permit obtained under Section ~~[27-12-154]~~ 72-7-406 if required;

18 (ii) trained escort vehicle drivers and approved escort vehicles when required under
19 Subsection (2); and

20 (iii) compliance with the vehicle weight requirements of Section ~~[27-12-151]~~ 72-7-404.

21 (b) (i) The department shall issue an annual oversize permit for the purpose of allowing
22 the movement of implements of husbandry on the highways in accordance with this chapter.

23 (ii) The permit shall require the applicant to obtain verbal permission from the department
24 for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

25 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
26 department shall make rules specifying training for escort vehicle drivers and equipment
27 requirements for escort vehicles as provided in Subsection (a).

28 (5) Any person who violates this section is guilty of a class B misdemeanor.

29 Section 201. Section **72-7-408**, which is renumbered from Section 27-12-145 is
30 renumbered and amended to read:

31 ~~[27-12-145]~~. **72-7-408. Highway authority -- Restrictions on highway use --**

1 **Erection and maintenance of signs designating restrictions -- Penalty.**

2 (1) [A] (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance
3 prescribe procedures and criteria which prohibit the operation of any vehicle or impose restrictions
4 on the weight of a vehicle upon any highway under its jurisdiction.

5 (b) A highway authority may impose restrictions under Subsection (1)(a) if an engineering
6 inspection concludes that due to deterioration caused by climatic conditions a highway will be
7 seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are
8 restricted.

9 (2) A highway authority may not prohibit the operation of any vehicle or restrict the
10 weight of a vehicle under Subsection (1) for more than 90 days in any one calendar year.

11 (3) The highway authority imposing restrictions under this section shall erect signs citing
12 the provisions of the rule or ordinance [adopted] at each end of that portion of any highway
13 affected. The restriction is effective only when the signs are erected and maintained.

14 (4) Any person who violates any restriction imposed under the authority of this section is
15 guilty of a class B misdemeanor.

16 Section 202. Section **72-7-409**, which is renumbered from Section 27-12-146 is
17 renumbered and amended to read:

18 ~~[27-12-146].~~ **72-7-409. Loads on vehicles -- Limitations -- Confining,**
19 **securing, and fastening load required -- Penalty.**

20 (1) A vehicle may not be operated or moved on any highway unless the vehicle is
21 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

22 (2) (a) In addition to the requirements under Subsection (1), a vehicle carrying dirt, sand,
23 gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal
24 shall have a covering over the entire load unless:

25 (i) the highest point of the load does not extend above the top of any exterior wall or
26 sideboard of the cargo compartment of the vehicle; and

27 (ii) the outer edges of the load are at least six inches below the top inside edges of the
28 exterior walls or sideboards of the cargo compartment of the vehicle.

29 (b) The following material is exempt from the provisions of Subsection (2)(a):

30 (i) hot mix asphalt;

31 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form

1 that is not susceptible to being blown out of the vehicle;

2 (iii) material being transported across a highway between two parcels of property that
3 would be contiguous but for the highway that is being crossed; and

4 (iv) material listed under Subsection (2)(a) that is enclosed on all sides by containers, bags,
5 or packaging.

6 (c) A chemical substance capable of coating or bonding a load so that the load is confined
7 on a vehicle, may be considered a covering for purposes of Subsection (2)(a) so long as the
8 chemical substance remains effective at confining the load.

9 (3) (a) An authorized vehicle performing snow removal services on a highway is exempt
10 from the requirements of this section if the vehicle's load is screened to a particle size established
11 by a rule of the department.

12 (b) This section does not prohibit the necessary spreading of any substance connected with
13 highway maintenance, construction, securing traction, or snow removal.

14 (4) A person may not operate a vehicle with a load on any highway unless the load and
15 any load covering is fastened, secured, and confined to prevent the covering or load from
16 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to
17 other highway users.

18 (5) Before entering a highway, the operator of a vehicle carrying any material listed under
19 Subsection (2), shall remove all loose material on any portion of the vehicle not designed to carry
20 the material.

21 (6) Any person who violates this section is guilty of a class B misdemeanor.

22 Section 203. Section **72-7-501**, which is renumbered from Section 27-12-136.2 is
23 renumbered and amended to read:

24 **Part 5. Utah Outdoor Advertising Act**

25 **[27-12-136.2]. 72-7-501. Purpose of part -- Utah-Federal Agreements ratified.**

26 (1) The purpose of this [act] part is to provide the statutory basis for the regulation of
27 outdoor advertising consistent with zoning principles and standards and the public policy of this
28 state in providing public safety, health, welfare, convenience and enjoyment of public travel, to
29 protect the public investment in highways, to preserve the natural scenic beauty of lands bordering
30 on highways, and to ensure that outdoor advertising shall be continued as a standardized medium
31 of communication throughout the state so that it is preserved and can continue to provide general

1 information in the specific interest of the traveling public safely and effectively.

2 (2) It is the purpose of this [act] part to provide a statutory basis for the reasonable
3 regulation of outdoor advertising consistent with the customary use, zoning principles and
4 standards, the protection of private property rights, and the public policy relating to areas adjacent
5 to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway
6 systems highways.

7 (3) The agreement entered into between the governor of the state of Utah and the Secretary
8 of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and
9 spacing of outdoor advertising which may be erected and maintained within areas adjacent to the
10 interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems
11 highways which are zoned commercial or industrial or in other unzoned commercial or industrial
12 areas as defined pursuant to the terms of the agreement is hereby ratified and approved, subject to
13 subsequent amendments.

14 Section 204. Section **72-7-502**, which is renumbered from Section 27-12-136.3 is
15 renumbered and amended to read:

16 ~~[27-12-136.3].~~ **72-7-502. Definitions.**

17 As used in this [chapter] part:

18 (1) "Commercial or industrial activities" means those activities generally recognized as
19 commercial or industrial by zoning authorities in this state, except that none of the following are
20 commercial or industrial activities:

21 (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh
22 produce stands;

23 (b) transient or temporary activities;

24 (c) activities not visible from the main-traveled way;

25 (d) activities conducted in a building principally used as a residence; and

26 (e) railroad tracks and minor sidings.

27 (2) "Commercial or industrial zone" means only:

28 (a) those areas within the boundaries of cities or towns that are used or reserved for
29 business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation
30 or comprehensive local zoning ordinances or regulations;

31 (b) those areas within the boundaries of urbanized counties that are used or reserved for

1 business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation
2 or comprehensive local zoning ordinances or regulations;

3 (c) those areas outside the boundaries of urbanized counties and outside the boundaries
4 of cities and towns that:

5 (i) are used or reserved for business, commerce, or trade, or zoned as a highway service
6 zone, under comprehensive local zoning ordinances or regulations or enabling state legislation;
7 and

8 (ii) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured
9 from the nearest point of the beginning or ending of the pavement widening at the exit from or
10 entrance to the main-traveled way; or

11 (d) those areas outside the boundaries of urbanized counties and outside the boundaries
12 of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as
13 measured from the nearest point of the beginning or ending of the pavement widening at the exit
14 from or entrance to the main-traveled way that are reserved for business, commerce, or trade under
15 enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually
16 used for commercial or industrial purposes.

17 (3) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of
18 allowing outdoor advertising.

19 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's
20 comprehensive plan required by Section 10-9-301, the municipal zoning plan authorized by
21 Section 10-9-401, and the county master plan authorized by Sections 17-27-301 and 17-27-401.
22 Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably
23 presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

24 [~~(5)~~ "Department" means the Department of Transportation.]

25 [~~(6)~~ (5) "Directional signs" means signs containing information about public places
26 owned or operated by federal, state, or local governments or their agencies, publicly or privately
27 owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas
28 of natural scenic beauty or naturally suited for outdoor recreation, that the department considers
29 to be in the interest of the traveling public.

30 [~~(7)~~ (6) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create,
31 paint, draw, or in any other way bring into being.

1 (b) "Erect" does not include any activities defined in Subsection (a) if they are performed
2 incident to the change of an advertising message or customary maintenance of a sign.

3 ~~[(8) "Federal aid primary highway and national highway systems highways" means that~~
4 ~~portion of connected main highways located within this state officially designated by the~~
5 ~~department and approved by the United States Secretary of Transportation under Title 23, United~~
6 ~~States Code.]~~

7 ~~[(9) (7) "Highway service zone" means a highway service area where the primary use of~~
8 ~~the land is used or reserved for commercial and roadside services other than outdoor advertising~~
9 ~~to serve the traveling public.~~

10 ~~[(10) (8) "Information center" means an area or site established and maintained at rest~~
11 ~~areas for the purpose of informing the public of:~~

12 (a) places of interest within the state; or

13 (b) any other information that the department considers desirable.

14 ~~[(11) (9) "Interchange or intersection" means those areas and their approaches where~~
15 ~~traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration~~
16 ~~lanes, or feeder systems, from or to another federal, state, county, city, or other route.~~

17 ~~[(12) "Interstate system" means that portion of the national defense system of interstate~~
18 ~~and defense highways located within this state officially designated by the department and~~
19 ~~approved by the United States Secretary of Transportation under Title 23, United States Code.]~~

20 ~~[(13) (10) "Maintain" means to allow to exist, subject to the provisions of this chapter.~~

21 ~~[(14) (11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing~~
22 ~~sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act~~
23 ~~of God.~~

24 ~~[(15) (12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes,~~
25 ~~acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps.~~
26 ~~For a divided highway, there is a separate main-traveled way for the traffic in each direction.~~

27 ~~[(16) (13) "Official signs and notices" means signs and notices erected and maintained~~
28 ~~by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out~~
29 ~~official duties or responsibilities in accordance with direction or authorization contained in federal,~~
30 ~~state, or local law.~~

31 ~~[(17) (14) "Off-premise signs" means signs located in areas zoned industrial, commercial,~~

1 or H-1 and in areas determined by the department to be unzoned industrial or commercial.

2 [~~(18)~~] (15) "On-premise signs" means signs used to advertise the major activities
3 conducted on the property where the sign is located.

4 [~~(19)~~] (16) "Outdoor advertising" means any outdoor advertising structure or outdoor
5 structure used in combination with an outdoor advertising sign or outdoor sign.

6 [~~(20)~~] (17) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured
7 perpendicular from the edge of a controlled highway right-of-way.

8 [~~(21)~~] (18) "Outdoor advertising structure" or "outdoor structure" means any sign structure,
9 including any necessary devices, supports, appurtenances, and lighting that is part of or supports
10 an outdoor sign.

11 [~~(22)~~] (19) "Point of widening" means the point of the gore or the point where the
12 intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never
13 be greater than 2,640 feet from the center line of the intersecting highway of the interchange or
14 intersection at grade.

15 [~~(23)~~] (20) "Relocation" includes the removal of a sign from one situs together with the
16 erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

17 [~~(24)~~] (21) "Relocation and replacement" means allowing all outdoor advertising signs or
18 permits the right to maintain outdoor advertising along the interstate, federal aid primary highway
19 existing as of June 1, 1991, and national highway system highways to be maintained in a
20 commercial or industrial zoned area to accommodate the displacement, remodeling, or widening
21 of the highway systems.

22 [~~(25)~~] (22) "Remodel" means the upgrading, changing, alteration, refurbishment,
23 modification, or complete substitution of a new outdoor advertising structure for one permitted
24 pursuant to this act and that is located in a commercial or industrial area.

25 [~~(26)~~] (23) "Rest area" means an area or site established and maintained within or adjacent
26 to the right-of-way by or under public supervision or control for the convenience of the traveling
27 public.

28 [~~(27)~~] (24) "Scenic or natural area" means an area determined by the department to have
29 aesthetic value.

30 [~~(28)~~] (25) "Traveled way" means that portion of the roadway used for the movement of
31 vehicles, exclusive of shoulders and auxiliary lanes.

1 [(29)] (26) (a) "Unzoned commercial or industrial area" means:

2 (i) those areas not zoned by state law or local law, regulation, or ordinance that are
3 occupied by one or more industrial or commercial activities other than outdoor advertising signs;

4 (ii) the lands along the highway for a distance of 600 feet immediately adjacent to those
5 activities; and

6 (iii) lands covering the same dimensions that are directly opposite those activities on the
7 other side of the highway, if the department determines that those lands on the opposite side of the
8 highway do not have scenic or aesthetic value.

9 (b) In measuring the scope of the unzoned commercial or industrial area, all measurements
10 shall be made from the outer edge of the regularly used buildings, parking lots, storage, or
11 processing areas of the activities and shall be along or parallel to the edge of pavement of the
12 highway.

13 (c) All signs located within an unzoned commercial or industrial area become
14 nonconforming if the commercial or industrial activity used in defining the area ceases for a
15 continuous period of 12 months.

16 [(30)] (27) "Urbanized county" means a county with a population of at least 125,000
17 persons.

18 Section 205. Section **72-7-503**, which is renumbered from Section 27-12-136 is
19 renumbered and amended to read:

20 ~~[27-12-136].~~ **72-7-503. Advertising -- Permit required -- Penalty for violation.**

21 (1) It is unlawful for any person to place any form of advertising upon any part of the
22 public domain, or within 300 feet of a public highway, except within the corporate limits of a city
23 or town, and except upon land in private ownership situated along the highway, without first
24 receiving a permit from the department, if a state highway, or from the county executive, if a
25 county road.

26 (2) Any person who violates ~~[any provision of]~~ this section is guilty of a class B
27 misdemeanor.

28 Section 206. Section **72-7-504**, which is renumbered from Section 27-12-136.4 is
29 renumbered and amended to read:

30 ~~[27-12-136.4].~~ **72-7-504. Advertising prohibited near interstate or primary**
31 **system -- Exceptions -- Logo advertising -- Department rules.**

1 (1) Outdoor advertising that is capable of being read or comprehended from any place on
2 the main-traveled way of an interstate or primary system may not be erected or maintained, except:

3 (a) directional and other official signs and notices authorized or required by law, including
4 signs and notices pertaining to natural wonders and scenic and historic attractions, informational
5 or directional signs regarding utility service, emergency telephone signs, buried or underground
6 utility markers, and above ground utility closure signs;

7 (b) signs advertising the sale or lease of property upon which they are located;

8 (c) signs advertising activities conducted on the property where they are located;

9 (d) signs located in a commercial or industrial zone;

10 (e) signs located in unzoned industrial or commercial areas as determined from actual land
11 uses; and

12 (f) logo advertising under Subsection (2).

13 (2) (a) The department may itself or by contract erect, administer, and maintain
14 informational signs on the main-traveled way of an interstate or primary system for the display of
15 logo advertising and information of interest to the traveling public if:

16 (i) the department complies with Title 63, Chapter 56, Utah Procurement Code, in the
17 lease or other contract agreement with a private party for the sign or sign space; and

18 (ii) the private party for the lease of the sign or sign space pays an amount set by the
19 department to be paid to the department or the party under contract with the department under this
20 subsection.

21 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
22 maintaining the signs or sign spaces.

23 (c) The department may consult the Division of Travel Development in carrying out this
24 subsection.

25 (3) (a) Revenue generated under Subsection (2) shall be:

26 (i) applied first to cover department costs under Subsection (2); and

27 (ii) deposited in the Transportation Fund.

28 (b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the General
29 Fund as a dedicated credit for use by the Division of Travel Development no later than the
30 following fiscal year.

31 (4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the rules

1 made by the department under Sections [~~27-12-136.6~~] 72-7-506 and [~~27-12-136.7~~] 72-7-507.

2 Section 207. Section **72-7-505**, which is renumbered from Section 27-12-136.5 is
3 renumbered and amended to read:

4 [~~27-12-136.5~~]. **72-7-505. Sign size -- Sign spacing -- Location in outdoor**
5 **advertising corridor -- Limit on implementation.**

6 (1) (a) Except as provided in Subsection (2), a sign face within the state may not exceed
7 the following limits:

8 (i) maximum area - 1,000 square feet;

9 (ii) maximum length - 60 feet; and

10 (iii) maximum height - 25 feet.

11 (b) No more than two facings visible and readable from the same direction on the
12 main-traveled way may be erected on any one sign structure. Whenever two facings are so
13 positioned, neither shall exceed the maximum allowed square footage.

14 (c) Two or more advertising messages on a sign face and double-faced, back-to-back,
15 stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces
16 enjoy common ownership.

17 (d) A changeable message sign is permitted if the interval between message changes is not
18 more frequent than at least eight seconds and the actual message rotation process is accomplished
19 in three seconds or less.

20 (2) (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized
21 county may have the maximum height allowed by the county for outdoor advertising structures
22 in the commercial or industrial zone in which the sign is located. If no maximum height is
23 provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet
24 above the grade of the main traveled way, whichever is greater.

25 (b) An outdoor sign structure located inside an incorporated municipality or urbanized
26 county may have the maximum height allowed by the municipality or urbanized county for
27 outdoor advertising structures in the commercial or industrial zone in which the sign is located.
28 If no maximum height is provided for the location, the maximum sign height may be 65 feet above
29 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

30 (3) Except as provided in Section [~~27-12-136.10~~] 72-7-509:

31 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection

1 [27-12-136.4] 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing
2 off-premise sign adjacent to an interstate highway or limited access primary highway, except that
3 signs may be erected closer than 500 feet if the signs on the same side of the interstate highway
4 or limited access primary highway are not simultaneously visible.

5 (b) Signs may not be located within 500 feet of any of the following which are adjacent
6 to the highway, unless the signs are in an incorporated area:

7 (i) public parks;

8 (ii) public forests;

9 (iii) public playgrounds;

10 (iv) areas designated as scenic areas by the department or other state agency having and
11 exercising this authority; or

12 (v) cemeteries.

13 (c) (i) (A) Except under Subsection (ii), signs may not be located on an interstate highway
14 or limited access highway on the primary system within 500 feet of an interchange, or intersection
15 at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest
16 point of the beginning or ending of pavement widening at the exit from or entrance to the
17 main-traveled way.

18 (B) Interchange and intersection distance limitations shall be measured separately for each
19 direction of travel. A measurement for each direction of travel may not control or affect any other
20 direction of travel.

21 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or
22 ending of pavement widening at the exit from or entrance to the main-traveled way, if:

23 (A) the sign is at least 500 feet but not more than 2,640 feet from the nearest point of the
24 intersecting highway of the interchange; or

25 (B) the sign is replacing an existing outdoor advertising use or structure which is being
26 removed or displaced to accommodate the widening, construction, or reconstruction of an
27 interstate, federal aid primary highway existing as of June 1, 1991, or national highway system
28 highway, and it is located in a commercial or industrial zoned area inside an urbanized county or
29 an incorporated municipality.

30 (d) The location of signs situated on nonlimited access primary highways in commercial,
31 industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway

1 shall not exceed the following minimum spacing criteria:

2 (i) Where the distance between centerlines of intersecting streets, roads, or highways is
3 less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between
4 the intersecting streets or highways.

5 (ii) Where the distance between centerlines of intersecting streets, roads, or highways is
6 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

7 (e) All outdoor advertising shall be erected and maintained within the outdoor advertising
8 corridor.

9 (4) Subsection (3)(c)(ii) may not be implemented until:

10 (a) the Utah-Federal Agreement for carrying out national policy relative to control of
11 outdoor advertising in areas adjacent to the national system of interstate and defense highways and
12 the federal-aid primary system is modified to allow the sign placement specified in Subsection
13 (3)(c)(ii); and

14 (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state
15 and the United States Secretary of Transportation.

16 Section 208. Section **72-7-506**, which is renumbered from Section 27-12-136.6 is
17 renumbered and amended to read:

18 **[27-12-136.6]. 72-7-506. Advertising -- Regulatory power of department --**
19 **Notice requirements.**

20 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
21 department may make rules no more restrictive than this chapter to:

22 (a) control the erection and maintenance of outdoor advertising along the interstate and
23 primary highway systems;

24 (b) provide for enforcement of this chapter;

25 (c) establish the form, content, and submittal of applications to erect outdoor advertising;

26 and

27 (d) establish administrative procedures.

28 (2) In addition to all other statutory notice requirements:

29 (a) the department shall give reasonably timely written notice to all outdoor advertising
30 permit holders of any changes or proposed changes in administrative rules made under authority
31 of [~~the Utah Outdoor Advertising Act~~] this part; and

1 (b) any county, municipality, or governmental entity shall, upon written request, give
2 reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction
3 of any change or proposed change to the outdoor or off-premise advertising provisions of its
4 zoning provisions, codes, or ordinances.

5 Section 209. Section **72-7-507**, which is renumbered from Section 27-12-136.7 is
6 renumbered and amended to read:

7 **[27-12-136.7]. 72-7-507. Advertising -- Permits -- Application requirements**
8 **-- Duration -- Fees.**

9 (1) (a) Outdoor advertising may not be maintained without a current permit.

10 (b) Applications for permits shall be made to the department on forms furnished by it.

11 (c) A permit must be obtained prior to installing each outdoor sign.

12 (d) The application for a permit shall be accompanied by an initial fee established under
13 Section 63-38-3.2.

14 (2) (a) Each permit issued by the department is valid for a period of up to five years and
15 shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the
16 right to use the property, whichever is sooner.

17 (b) Upon renewal, each permit may be renewed for periods of up to five years upon the
18 filing of a renewal application and payment of a renewal fee established under Section 63-38-3.2.

19 (3) Sign owners residing outside the state shall provide the department with a continuous
20 performance bond in the amount of \$2,500.

21 (4) Fees may not be prorated for fractions of the permit period. Advertising copy may be
22 changed at any time without payment of an additional fee.

23 (5) (a) Each sign shall have its permit continuously affixed to the sign in a position visible
24 from the nearest traveled portion of the highway.

25 (b) The permit shall be affixed to the sign structure within 30 days after delivery by the
26 department to the permit holder, or within 30 days of the installation date of the sign structure.

27 (c) Construction of the sign structure shall begin within 180 days after delivery of the
28 permit by the department to the permit holder and construction shall be completed within 365 days
29 after delivery of the permit.

30 (6) The department may not accept any applications for a permit or issue any permit to
31 erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the

1 permit holder or the permit holder's assigns until the permit has expired or has been terminated
2 pursuant to the procedures under Section [27-12-136.9] 72-7-508.

3 (7) Permits are transferrable if the ownership of the permitted sign is transferred.

4 (8) Conforming, permitted sign structures may be altered, changed, remodeled, and
5 relocated subject to the provisions of Subsection (6).

6 Section 210. Section **72-7-508**, which is renumbered from Section 27-12-136.9 is
7 renumbered and amended to read:

8 **[27-12-136.9]. 72-7-508. Unlawful outdoor advertising -- Adjudicative**
9 **proceedings -- Judicial review -- Costs of removal -- Civil and criminal liability for damaging**
10 **regulated signs -- Immunity for Department of Transportation.**

11 (1) Outdoor advertising is unlawful when:

12 (a) erected after May 9, 1967, contrary to the provisions of this chapter;

13 (b) a permit is not obtained as required by this [chapter] part;

14 (c) a false or misleading statement has been made in the application for a permit that was
15 material to obtaining the permit; or

16 (d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe,
17 or is otherwise in violation of this [chapter] part.

18 (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary
19 to this chapter is also a public nuisance.

20 (3) Except as provided in Subsection (4), in its enforcement of this section, the department
21 [~~of Transportation~~] shall comply with the procedures and requirements of Title 63, Chapter 46b,
22 Administrative Procedures Act.

23 (4) (a) The district courts shall have jurisdiction to review by trial de novo all final orders
24 of the department [~~of Transportation~~] under this [act] part resulting from formal and informal
25 adjudicative proceedings.

26 (b) Venue for judicial review of final orders of the department [~~of Transportation~~] shall
27 be in the county in which the sign is located.

28 (5) If the department [~~of Transportation~~] is granted a judgment, the department [~~of~~
29 ~~Transportation~~] is entitled to have any nuisance abated and recover from the responsible person,
30 firm, or corporation, jointly and severally:

31 (a) the costs and expenses incurred in removing the sign; and

1 (b) \$10 for each day the sign was maintained following the expiration of ten days after
2 notice of agency action was filed and served under Section 63-46b-3.

3 (6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces,
4 destroys, or uses any sign controlled under this chapter without the owner's permission is liable
5 to the owner of the sign for treble the amount of damage sustained and all costs of court, including
6 a reasonable attorney's fee, and is guilty of a class C misdemeanor.

7 (b) This subsection does not apply to the department, its agents, or employees if acting to
8 enforce this [chapter] part.

9 Section 211. Section **72-7-509**, which is renumbered from Section 27-12-136.10 is
10 renumbered and amended to read:

11 **[27-12-136.10]. 72-7-509. Existing outdoor advertising not in conformity with**
12 **part -- When removal required -- When relocation allowed.**

13 (1) Any outdoor advertising lawfully in existence along the interstate or the primary
14 systems on [~~the effective date of this act~~] May 9, 1967, and which is not then in conformity with
15 its provisions is not required to be removed until five years after it becomes nonconforming or
16 pursuant to the provisions of Section [~~27-12-136.11~~] 72-7-510.

17 (2) Any existing outdoor advertising structure that does not comply with Section
18 [~~27-12-136.5~~] 72-7-505, but that is located in an industrial and commercial area, an unzoned
19 industrial and commercial area, or an area where outdoor advertising would otherwise be
20 permitted, may be remodeled and relocated on the same property in a commercial or industrial
21 zoned area, or another area where outdoor advertising would otherwise be permitted under this
22 [act] part.

23 Section 212. Section **72-7-510**, which is renumbered from Section 27-12-136.11 is
24 renumbered and amended to read:

25 **[27-12-136.11]. 72-7-510. Existing outdoor advertising not in conformity with**
26 **part -- Procedure -- Eminent domain -- Compensation -- Relocation.**

27 (1) As used in this section, "nonconforming sign" means a sign that has been erected in
28 a zone or area other than commercial or industrial or where outdoor advertising is not permitted
29 under this [act] part.

30 (2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent
31 domain, any existing outdoor advertising and all property rights pertaining to the outdoor

1 advertising which were lawfully in existence on May 9, 1967, and which by reason of this
2 [~~chapter~~] part become nonconforming.

3 (b) If the department, or any town, city, county, governmental entity, public utility, or any
4 agency or the United States Department of Transportation under this [~~chapter~~] part, prevents the
5 maintenance as defined in Section [~~27-12-136.3~~] 72-7-502, requires that maintenance of an
6 existing sign be discontinued, the sign in question shall be considered acquired by the entity and
7 just compensation will become immediately due and payable.

8 (c) Eminent domain shall be exercised in accordance with the provision of Title 78,
9 Chapter 34, Eminent Domain.

10 (3) (a) Just compensation shall be paid for outdoor advertising and all property rights
11 pertaining to the same, including the right of the landowner upon whose land a sign is located,
12 acquired through the processes of eminent domain.

13 (b) For the purposes of this [~~act~~] part, just compensation shall include the consideration
14 of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign
15 company's interest, which remaining properties, together with the properties actually condemned,
16 constituted an economic unit.

17 (c) The department is empowered to remove signs found in violation of Section
18 [~~27-12-136.9~~] 72-7-508 without payment of any compensation.

19 (4) Except as specifically provided in this section or Section [~~27-12-136.11~~ or
20 ~~27-12-136.14~~] 72-7-513, this [~~chapter~~] part may not be construed to permit a person to place or
21 maintain any outdoor advertising adjacent to any interstate or primary highway system which is
22 prohibited by law or by any town, city, or county ordinance. Any town, city, county,
23 governmental entity, or public utility which requires the removal, relocation, alteration, change,
24 or termination of outdoor advertising shall pay just compensation as defined in this [~~chapter~~] part
25 and in Title 78, Chapter 34, Eminent Domain.

26 (5) Except as provided in Section [~~27-12-136.9~~] 72-7-508, no sign shall be required to be
27 removed by the department nor sign maintenance as described in this section be discontinued
28 unless at the time of removal or discontinuance there are sufficient funds, from whatever source,
29 appropriated and immediately available to pay the just compensation required under this section
30 and unless at that time the federal funds required to be contributed under [~~Section 131 of Title 23,~~
31 ~~United States Code~~] 23, U.S.C., Sec. 131, if any, with respect to the outdoor advertising being

1 removed, have been appropriated and are immediately available to this state.

2 (6) (a) If any outdoor advertising use, structure, or permit may not be continued because
3 of the widening, construction, or reconstruction along an interstate, federal aid primary highway
4 existing as of June 1, 1991, or national highway systems highway, the owner shall have the option
5 to relocate and remodel the use, structure, or permit to another location:

6 (i) on the same property;

7 (ii) on adjacent property;

8 (iii) on the same highway within 5280 feet of the previous location, which may be
9 extended 5280 feet outside the areas described in Subsection [~~27-12-136.5~~] 72-7-505(3)(c)(i)(A),
10 on either side of the same highway; or

11 (iv) mutually agreed upon by the owner and the county or municipality in which the use,
12 structure, or permit is located.

13 (b) The relocation under Subsection (a) shall be in a commercial or industrial zoned area
14 or where outdoor advertising is permitted under this [act] part.

15 (c) The county or municipality in which the use or structure is located shall, if necessary,
16 provide for the relocation and remodeling by ordinance for a special exception to its zoning
17 ordinance.

18 (d) The relocated and remodeled use or structure may be:

19 (i) erected to a height and angle to make it clearly visible to traffic on the main-traveled
20 way of the highway to which it is relocated or remodeled;

21 (ii) the same size and at least the same height as the previous use or structure, but the
22 relocated use or structure may not exceed the size and height permitted under this [act] part;

23 (iii) relocated to a comparable vehicular traffic count.

24 (7) (a) The governmental entity, quasi-governmental entity, or public utility that causes
25 the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall
26 pay the costs related to the relocation, remodeling, or acquisition.

27 (b) If a governmental entity prohibits the relocation and remodeling as provided in
28 Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

29 Section 213. Section **72-7-511**, which is renumbered from Section 27-12-136.12 is
30 renumbered and amended to read:

31 [~~27-12-136.12~~]. **72-7-511**. Violation of part -- Misdemeanor.

1 [Any] A person who violates any provision of this [act] part is guilty of a class B
2 misdemeanor.

3 Section 214. Section **72-7-512**, which is renumbered from Section 27-12-136.13 is
4 renumbered and amended to read:

5 ~~[27-12-136.13]~~. **72-7-512. Appeals by attorney general.**

6 The attorney general may take such appeals as are provided for in [~~Section 131, Title 23,~~
7 ~~United States Code] 23, U.S.C., Sec. 131.~~

8 Section 215. Section **72-7-513**, which is renumbered from Section 27-12-136.14 is
9 renumbered and amended to read:

10 ~~[27-12-136.14]~~. **72-7-513. Relocation on state highways.**

11 (1) If any outdoor advertising use or structure may not be continued because of the
12 widening, construction, or reconstruction along a state highway, the owner shall have the option
13 to relocate and remodel the use or structure to another location:

14 (a) on the same property;

15 (b) on adjacent property;

16 (c) within 2640 feet of the previous location on either side of the same highway; or

17 (d) mutually agreed upon by the owner and the county or municipality in which the use,
18 structure, or permit is located.

19 (2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area
20 or where outdoor advertising is permitted under this [act] part.

21 (3) The county or municipality in which the use or structure is located shall, if necessary,
22 provide for the relocation and remodeling by ordinance for a special exception to its zoning
23 ordinance.

24 (4) The relocated and remodeled use or structure may be:

25 (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled
26 way of the highway to which it is relocated or remodeled;

27 (b) the same size and at least the same height as the previous use or structure, but the
28 relocated use or structure may not exceed the size and height permitted under this [act] part;

29 (c) relocated to a comparable vehicular traffic count.

30 (5) (a) The governmental entity, quasi-governmental entity, or public utility that causes
31 the need for the outdoor advertising relocation or remodeling as provided in Subsection (1) shall

1 pay the costs related to the relocation, remodeling, or acquisition.

2 (b) If a governmental entity prohibits the relocation and remodeling as provided in
3 Subsection (1)(a), (b), or (c), it shall pay just compensation as provided in Subsection
4 ~~[27-12-136.11]~~ 72-7-510(3).

5 Section 216. Section **72-7-514**, which is renumbered from Section 27-12-136.15 is
6 renumbered and amended to read:

7 ~~[27-12-136.15].~~ **72-7-514. Landscape control program.**

8 (1) As used in this section, "landscape control" means trimming or removal of seedlings,
9 saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June
10 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor
11 advertising.

12 (2) (a) The department shall establish a landscape control program as provided under this
13 section.

14 (b) Except as provided in this section, a person, including an outdoor advertising sign
15 owner or business owner may not perform or cause landscape control to be performed.

16 (3) (a) An outdoor advertising sign owner or business owner may submit a request for
17 landscape control to the department.

18 (b) Within 60 days of the request under Subsection (3)(a), the department shall:

19 (i) conduct a field review of the request with a representative of the sign or business
20 owner, the department, and the Federal Highway Administration to consider the following issues
21 listed in their order of priority:

22 (A) safety;

23 (B) protection of highway features, including right-of-way and landscaping;

24 (C) aesthetics; and

25 (D) motorists' view of the sign or business; and

26 (ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking,
27 or other landscape control shall be allowed as decided by the department, after consultation with
28 the Federal Highway Administration.

29 (c) If the sign or business owner elects to proceed, in accordance with the decision issued
30 under this subsection ~~[(3)(c)]~~, the department shall issue a permit that describes what landscape
31 control may be allowed, assigns responsibility for costs, describes the safety measures to be

1 observed, and attaches any explanatory plans or other information.

2 (4) The department shall establish an appeals process within the department for landscape
3 control decisions made under Subsection (3).

4 (5) (a) A person who performs landscape control in violation of this section is guilty of
5 a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to
6 the landscape.

7 (b) Each permit issued under this section shall notify the permit holder of the penalties
8 under Subsection (5)(a).

9 Section 217. Section **72-7-515**, which is renumbered from Section 27-12-136.16 is
10 renumbered and amended to read:

11 **~~[27-12-136.16].~~ 72-7-515. Utah-Federal Agreement -- Severability clause.**

12 (1) As used in this section, "Utah-Federal Agreement" means the agreement relating to
13 outdoor advertising that is described under Section ~~[27-12-136.2]~~ 72-7-502, and it includes any
14 modifications to the agreement that are signed on behalf of both the state and the United States
15 Secretary of Transportation.

16 (2) The provisions of this act are subject to and shall be superseded by conflicting
17 provisions of the Utah-Federal Agreement.

18 (3) If any provision of this [act] part or its application to any person or circumstance is
19 found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the
20 remainder of this act and the application of the provision to other persons or circumstances shall
21 not be affected by it.

22 Section 218. Section **72-8-101**, which is renumbered from Section 27-14-1 is renumbered
23 and amended to read:

24 **CHAPTER 8. PEDESTRIAN SAFETY AND FACILITIES**

25 **~~[27-14-1].~~ 72-8-101. Title.**

26 This [act shall be] chapter is known [and may be cited] as the "[Utah Sidewalk
27 Construction] Pedestrian Safety and Facilities Act."

28 Section 219. Section **72-8-102**, which is renumbered from Section 27-14-3 is renumbered
29 and amended to read:

30 **~~[27-14-3].~~ 72-8-102. Definitions.**

31 As used in this [act] chapter:

1 (1) "Construction" means the function of constructing or reconstructing a sidewalk with
2 or without curb and gutter and ~~[shall include]~~ includes land acquisition~~;~~ and engineering or
3 inspection ~~[and may be more fully]~~ as defined by the rules and regulations of the department [of
4 Transportation].

5 ~~[(3)]~~ (2) "Curb and gutter" means the area between the roadway and sidewalk designed
6 for water runoff and providing a barrier for safety of pedestrian and vehicular traffic.

7 ~~[(2)]~~ (3) "Participating [city] municipality" means any [city] municipality having at least
8 third class status.

9 (4) "Pedestrian safety devices" means any device or method designed to foster the safety
10 of pedestrian traffic including sidewalks, curbs, gutters, and pedestrian overpasses.

11 Section 220. Section **72-8-103**, which is renumbered from Section 27-14-4 is renumbered
12 and amended to read:

13 ~~[27-14-4].~~ **72-8-103. Designated county and municipal sidewalks -- Construction**
14 **on easements granted by transportation department.**

15 (1) All sidewalks, including curbs and gutters within the unincorporated areas of a county
16 and within nonparticipating ~~[cities or towns]~~ municipalities situated within the county, ~~[shall be]~~
17 are designated county sidewalks. All sidewalks within participating ~~[cities shall be]~~ municipalities
18 are designated [city] municipal sidewalks.

19 (2) ~~[Notwithstanding any other provision of law counties]~~ Counties and participating
20 ~~[cities]~~ municipalities may construct and maintain curbs, gutters, sidewalks, and pedestrian safety
21 devices adjacent to the traveled portion of state highways upon easements that may be granted by
22 the ~~[state]~~ department ~~[of Transportation]~~. The ~~[state]~~ department ~~[of Transportation]~~ shall
23 cooperate with counties and participating ~~[cities]~~ municipalities to accomplish pedestrian safety
24 construction and maintenance.

25 (3) A county or municipality may construct and maintain pedestrian safety devices on state
26 highways in compliance with rules made by the department.

27 Section 221. Section **72-8-104**, which is renumbered from Section 27-14-5 is renumbered
28 and amended to read:

29 ~~[27-14-5].~~ **72-8-104. Funding priorities by county and municipality officials --**
30 **Factors.**

31 (1) A county or municipality may use a portion of their B and C road funds for pedestrian

1 safety devices under this part.

2 (2) The county legislative body of the counties and the governing officials of participating
3 [cities] municipalities may establish funding priorities relating to construction of curbs, gutters,
4 sidewalks, or other pedestrian safety construction, with funds permitted to be expended by this
5 [act] part, based on factors including, but not limited to:

- 6 (a) existing useable rights-of-way;
- 7 (b) [~~auto-pedestrian~~] vehicle-pedestrian accident experience;
- 8 (c) average daily [~~automobile~~] vehicle traffic;
- 9 (d) average daily pedestrian traffic;
- 10 (e) average daily school age pedestrian traffic; and
- 11 (f) speed of [~~automobile~~] vehicle traffic.

12 [~~(2)~~] (3) All construction performed [~~pursuant to~~] under this [act] part shall be barrier free
13 to wheelchairs at crosswalks and intersections.

14 Section 222. Section **72-8-105**, which is renumbered from Section 27-14-6 is renumbered
15 and amended to read:

16 [~~27-14-6~~]. **72-8-105. Pedestrian safety to be considered in highway planning.**

17 [~~Pedestrian~~] A highway authority shall consider pedestrian safety [~~considerations shall be~~
18 included] in all [state] highway engineering and planning where pedestrian traffic [~~would~~] may be
19 a significant factor on all projects within the state or any of its political subdivisions.

20 Section 223. Section **72-8-106**, which is renumbered from Section 27-14-7 is renumbered
21 and amended to read:

22 [~~27-14-7~~]. **72-8-106. Rules and regulations -- Cooperation with the county**
23 **legislative body.**

24 The [state] department [of transportation] shall [issue]:

25 (1) make rules [~~and regulations~~] providing for uniform accounting of the funds permitted
26 to be expended for curbs, gutters, sidewalks, and pedestrian safety devices, as provided in this
27 [act,] part; and

28 (2) cooperate with the county executives and county legislative bodies and the governing
29 officials of participating [cities] municipalities in order to [~~put into effect the purpose of the laws~~
30 pertaining to pedestrian safety construction] implement this part and make rules required by this
31 part.

1 Section 224. Section **72-8-107**, which is renumbered from Section 27-14-8 is renumbered
2 and amended to read:

3 **[27-14-8]. 72-8-107. County or city granting exemption from construction -- Not**
4 **eligible to utilize funds under part.**

5 (1) This ~~[act shall]~~ part may not be construed to substitute or replace the construction of
6 curbs, gutters, sidewalks, or pedestrian safety devices by any counties or participating ~~[cities but,~~
7 ~~rather, solely as a supplement thereto]~~ municipalities. Funds expended under this part are in
8 addition to funds normally used by counties and participating municipalities for pedestrian safety
9 devices and may not be used in substitution for local funding.

10 (2) If any county or participating ~~[city]~~ municipalities or any of their agencies grant an
11 exemption or deferral agreement for the construction of sidewalks, curbs, gutters, or pedestrian
12 safety devices which are otherwise normally required, the area for which the exemption or deferral
13 agreement applies ~~[shall]~~ is not be eligible to utilize funds permitted to be expended by this ~~[act]~~
14 part.

15 Section 225. Section **72-9-101**, which is renumbered from Section 27-17-101 is
16 renumbered and amended to read:

17 **CHAPTER 9. MOTOR CARRIER SAFETY**

18 **Part 1. General Provisions**

19 **[27-17-101]. 72-9-101. Title.**

20 This chapter is known as the "Motor Carrier Safety Act."

21 Section 226. Section **72-9-102**, which is renumbered from Section 27-17-102 is
22 renumbered and amended to read:

23 **[27-17-102]. 72-9-102. Definitions.**

24 As used in this chapter:

25 (1) (a) "Commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer used
26 or maintained for business, compensation, or profit to transport passengers or property on a
27 highway if the commercial vehicle:

28 (i) has a manufacturer's gross vehicle weight rating or gross combination weight rating of
29 10,001 or more pounds;

30 (ii) is designed to transport more than 15 passengers, including the driver; or

31 (iii) is used in the transportation of hazardous materials and is required to be placarded in

1 accordance with 49 C.F.R. Part 172, Subpart F.

2 (b) The following vehicles are not considered a commercial vehicle for purposes of this
3 chapter:

4 (i) equipment owned and operated by the United States Department of Defense when
5 driven by any active duty military personnel and members of the reserves and national guard on
6 active duty including personnel on full-time national guard duty, personnel on part-time training,
7 and national guard military technicians and civilians who are required to wear military uniforms
8 and are subject to the code of military justice;

9 (ii) firefighting and emergency vehicles, operated by emergency personnel, not including
10 commercial tow trucks; and

11 (iii) recreational vehicles that are driven solely as family or personal conveyances for
12 noncommercial purposes.

13 [~~(2) "Department" means the Department of Transportation.~~]

14 [~~(3) "Highway" has the same meaning as provided under Section 41-1a-102.~~]

15 [~~(4)~~ (2) "Motor carrier" means a person engaged in or transacting the business of
16 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
17 highway within this state and includes a tow truck business.

18 [~~(5) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.~~]

19 [~~(6) "Semitrailer" has the same meaning as provided under Section 41-1a-102.~~]

20 [~~(7)~~ (3) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
21 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or
22 impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line,
23 dolly, tilt bed, or other means.

24 [~~(8) "Trailer" has the same meaning as provided under Section 41-1a-102.~~]

25 [~~(9)~~ (4) "Transportation" means the actual movement of property or passengers by motor
26 vehicle, including loading, unloading, and any ancillary service provided by the motor carrier in
27 connection with movement by motor vehicle, which is performed by or on behalf of the motor
28 carrier, its employees or agents, or under the authority of the motor carrier, its employees or
29 agents, or under the apparent authority and with the knowledge of the motor carrier.

30 [~~(10) "Vehicle" has the same meaning as provided under Section 41-1a-102.~~]

31 Section 227. Section **72-9-103**, which is renumbered from Section 27-17-103 is

1 renumbered and amended to read:

2 **[27-17-103]. 72-9-103. Rulemaking -- Adjudicative proceedings.**

3 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
4 department shall make rules:

5 (a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations
6 including minimum security requirements for motor carriers;

7 (b) specifying the equipment required to be carried in each tow truck, including limits on
8 loads that may be moved based on equipment capacity and load weight;

9 (c) specifying collection procedures, in conjunction with the administration and
10 enforcement of the safety or security requirements, for the motor carrier fee under Section
11 ~~[27-17-707]~~ 72-9-706; and

12 (d) providing for the necessary administration and enforcement of this chapter.

13 (2) The department shall comply with Title 63, Chapter 46b, Administrative Procedures
14 Act, in its adjudicative proceedings.

15 Section 228. Section **72-9-104**, which is renumbered from Section 27-17-104 is
16 renumbered and amended to read:

17 **[27-17-104]. 72-9-104. Motor carriers to operate under chapter.**

18 A motor carrier may not operate any commercial vehicle for the transportation of persons
19 or property on any public highway in this state except in accordance with this chapter, and rules
20 and orders of the department.

21 Section 229. Section **72-9-105**, which is renumbered from Section 27-17-405 is
22 renumbered and amended to read:

23 **[27-17-405]. 72-9-105. Information lettered on vehicle -- Exceptions.**

24 (1) Except under Subsection ~~[(3)]~~ (4), a motor carrier shall have lettered on both sides of
25 any vehicle used for transportation of persons or property:

26 (a) the name of the motor carrier company; and

27 (b) the location of domicile by city and state.

28 (2) The lettering shall be free from obstruction and legible ~~[at least]~~ from a distance of at
29 least 50 feet.

30 (3) (a) In addition to the lettering required under Subsection (1), the department may
31 require an identification number assigned by the department to be displayed in accordance with

1 this section.

2 (b) The number may be used to assist the department in conjunction with the U.S.
3 Department of Transportation to develop a program to improve motor carrier safety enforcement.

4 (4) A commercial vehicle primarily used by a farmer for the production of agricultural
5 products is exempt from the provisions of this section.

6 Section 230. Section **72-9-106**, which is renumbered from Section 63-49-20 is renumbered
7 and amended to read:

8 ~~[63-49-20].~~ **72-9-106. Exemption for public utilities from regulations establishing**
9 **hours of service.**

10 (1) As used in this section, "emergency" means a condition which jeopardizes life or
11 property or that endangers public health and safety.

12 (2) A person who is an employee of an electrical corporation, a gas corporation, or a
13 telephone corporation, as these corporations are defined in Section 54-2-1, is exempt from any
14 hours of service rules and regulations for drivers while operating a public utility vehicle within the
15 state during the emergency restoration of public utility service. [As used in this section,
16 "emergency" means a condition which jeopardizes life or property, or that endangers public health
17 and safety.]

18 Section 231. Section **72-9-201**, which is renumbered from Section 27-17-201 is
19 renumbered and amended to read:

20 **Part 2. Motor Carrier Advisory Board**

21 ~~[27-17-201].~~ **72-9-201. Motor Carrier Advisory Board created --**
22 **Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.**

23 (1) There is created within the department the Motor Carrier Advisory Board consisting
24 of five members appointed by the governor.

25 (2) Each member of the board shall:

26 (a) represent experience and expertise in the areas of motor carrier transportation,
27 commerce, agriculture, economics, shipping, or highway safety;

28 (b) be selected at large on a nonpartisan basis; and

29 (c) have been a legal resident of the state for at least one year immediately preceding the
30 date of appointment.

31 (3) (a) Except as required by Subsection (3)(b), as terms of current board members expire,

1 the governor shall appoint each new member or reappointed member to a four-year term.

2 (b) [~~Notwithstanding the requirements of Subsection (a), the~~] The governor shall, at the
3 time of appointment or reappointment, adjust the length of terms to ensure that the terms of board
4 members are staggered so that approximately half of the board is appointed every two years.

5 (c) A member shall serve from the date of appointment until a replacement is appointed.

6 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
7 appointed for the unexpired term beginning the day following the expiration of the preceding term.

8 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
9 calendar year.

10 (6) The board shall meet at least quarterly or as needed when called by the chair.

11 (7) Any three voting members constitute a quorum for the transaction of business that
12 comes before the board.

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

16 (b) Members may decline to receive per diem and expenses for their service.

17 (9) The board shall advise the department and the commission on interpretation, adoption,
18 and implementation of this chapter and other motor carrier related issues.

19 (10) The department shall provide staff support to the board.

20 Section 232. Section **72-9-301**, which is renumbered from Section 27-17-301 is
21 renumbered and amended to read:

22 **Part 3. Department Duties**

23 [~~27-17-301~~]. **72-9-301. Duties -- Enforcement -- Federal safety regulations**
24 **-- Audits -- Rights of entry for audits.**

25 (1) The department shall administer and in cooperation with the Department of Public
26 Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state and
27 federal laws related to the operation of a motor carrier within the state, including:

28 (a) the operation of ports-of-entry under Section [~~27-17-501~~] 72-9-501;

29 (b) vehicle size, weight, and load restrictions;

30 (c) security requirements;

31 (d) safety requirements; and

1 (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal
2 Regulations.

3 (2) The department shall conduct compliance audits and inspections as needed to enforce
4 state and federal laws related to the operation of a motor carrier.

5 (3) (a) In accordance with Subsection (3)(b), the department's authorized employees or
6 agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier
7 subject to this chapter, to inspect and copy any accounts, books, records, and documents in order
8 to administer and enforce state and federal laws related to the operation of a motor carrier
9 provided:

10 (i) the department's authorized employees or agents [shall] schedule an appointment with
11 the motor carrier prior to entering, inspecting, or examining any facility or records of a motor
12 carrier;

13 (ii) if the department's authorized employees or agents believe that a criminal violation
14 is involved and that a scheduled appointment would compromise the detection of the alleged
15 criminal violation, no appointment is necessary.

16 (b) A motor carrier shall submit its lands, buildings, and equipment for inspection and
17 examination and shall submit its accounts, books, records, and documents for inspection and
18 copying in accordance with this [subsection] section.

19 Section 233. Section **72-9-302**, which is renumbered from Section 27-17-302 is
20 renumbered and amended to read:

21 **[27-17-302]. 72-9-302. Interstate agreements.**

22 (1) The department may enter into agreements with other states to allow the cooperative
23 base state safety and insurance regulation of motor carriers transporting property or passengers in
24 interstate commerce.

25 (2) An agreement may authorize another state to:

26 (a) accept the filing of a certificate and affidavit of insurance;

27 (b) issue a revocation, suspension, restriction, probation, and reinstatement order or notice;
28 and

29 (c) collect and disburse any fee to and from another state that participates in the base state
30 program.

31 (3) An agreement may allow the exchange of information for audit, reporting, and

1 enforcement purposes.

2 Section 234. Section **72-9-303**, which is renumbered from Section 27-17-303 is
3 renumbered and amended to read:

4 ~~[27-17-303].~~ **72-9-303. Cease and desist orders -- Registration sanctions.**

5 (1) The department may issue cease and desist orders to any person:

6 (a) ~~[to any person]~~ who engages in or represents himself to be engaged in a motor carrier
7 operation that is in violation of this chapter;

8 (b) ~~[to any person]~~ to prevent the violation of any of the provisions of this title; and

9 (c) ~~[to any person]~~ who otherwise violates this chapter or any rules adopted under this
10 chapter.

11 (2) (a) The department shall notify the Motor Vehicle Division of the State Tax
12 Commission upon having reasonable grounds to believe that a motor carrier is in violation of this
13 chapter. Upon receiving notice by the department, the Motor Vehicle Division shall refuse
14 registration or shall suspend or revoke a registration as provided in Sections 41-1a-109 and
15 41-1a-110.

16 (b) The department shall notify the Motor Vehicle Division immediately upon being
17 satisfied that a motor carrier, reported as being in violation under Subsection (2)(a), is in
18 compliance with this chapter. Upon receiving notice by the department, the Motor Vehicle
19 Division shall remove any restriction made on a registration ~~[made]~~ under this chapter.

20 Section 235. Section **72-9-401**, which is renumbered from Section 27-17-401 is
21 renumbered and amended to read:

22 **Part 4. Motor Carrier Liability -- Duties**

23 ~~[27-17-401].~~ **72-9-401. Liability of motor carriers for loss or damage to**
24 **freight.**

25 (1) (a) A motor carrier receiving property for transportation from one point in this state
26 to another point in this state shall issue a receipt or bill of lading for the property, and shall be
27 liable to the lawful holder of the property for any loss, damage, or injury to the property caused
28 by the motor carrier, or by any motor carrier to which the property may be delivered or over whose
29 line or lines the property may pass within this state when transported on a through bill of lading.

30 (b) A contract, receipt, rule, regulation, or other limitation of any character whatsoever
31 may not exempt the motor carrier from this liability.

1 (2) A motor carrier that receives property for transportation or any motor carrier delivering
 2 the property to the consignee shall be liable to the lawful holder of the receipt or bill of lading, or
 3 to any party entitled to recover on the property whether the receipt or bill of lading has been issued
 4 or not, for the full actual loss, damage or injury to the property caused by the motor carrier, or by
 5 any motor carrier to which the property may have been delivered or over whose line or lines the
 6 property may have passed within this state when transported on a through bill of lading.

7 (3) (a) The provisions of Subsection (2) apply notwithstanding any limitation of liability
 8 or of the amount of recovery, or any representation or agreement as to the value of the property
 9 in any receipt or bill of lading or in any contract, rule, or regulation.

10 (b) Any limitation of liability is unlawful and void if the provisions respecting liability for
 11 full actual loss, damage, or injury notwithstanding any limitation of liability or of recovery, or any
 12 representation or agreement or release as to value to property, except livestock, received for
 13 transportation concerning which the motor carrier expressly authorizes or requires, by order of the
 14 commission, the establishment and maintenance of rates dependent upon the value declared in
 15 writing by the shipper or agreed to in writing as the released value of the property.

16 (c) The declaration or agreement shall have no other effect than to limit liability and
 17 recovery to an amount not exceeding the value so declared or agreed upon.

18 Section 236. Section **72-9-402**, which is renumbered from Section 27-17-402 is
 19 renumbered and amended to read:

20 ~~[27-17-402].~~ **72-9-402. Limitation of time for presenting claims and bringing**
 21 **suit.**

22 (1) A motor carrier shall allow at least:

23 (a) 90 days for giving notice of claims for any loss, damage, or injury to property;

24 (b) four months for the filing of claims; and

25 (c) two years for the institution of suits.

26 (2) If the loss or injury complained of is due to delay[;] or damage while being loaded or
 27 unloaded, or damage in transit caused by carelessness or negligence, ~~[no] a notice of claim[; and~~
 28 ~~no] or a filing of claim [shall be] is not~~ required as a condition precedent to recovery.

29 Section 237. Section **72-9-403**, which is renumbered from Section 27-17-403 is
 30 renumbered and amended to read:

31 ~~[27-17-403].~~ **72-9-403. Contribution between connecting motor carriers.**

1 (1) The motor carrier paying for the loss or damage to property transported or received is
2 entitled to recovery from the motor carrier responsible for the loss or damage, or on the motor
3 carrier's line the loss, damage, or injury was sustained.

4 (2) The amount of the loss or damage is equal to the amount the motor carrier is required
5 to pay to the persons entitled to the recovery.

6 Section 238. Section **72-9-404**, which is renumbered from Section 27-17-404 is
7 renumbered and amended to read:

8 **[27-17-404]. 72-9-404. Bills of lading -- Form.**

9 Bills of lading issued by any motor carrier for the transportation of goods within this state
10 shall conform to this chapter, rules made under this chapter, and Title 70A, Chapter 7, Part 3, Bills
11 of Lading -- Special Provisions, that are not in conflict with this chapter.

12 Section 239. Section **72-9-501**, which is renumbered from Section 27-17-501 is
13 renumbered and amended to read:

14 **Part 5. Ports-of-Entry**

15 **[27-17-501]. 72-9-501. Construction, operation, and maintenance of**
16 **ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation**
17 **powers of port-of-entry agents.**

18 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
19 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including
20 laws relating to:

- 21 (i) driver qualifications;
- 22 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
- 23 (iii) vehicle registration;
- 24 (iv) fuel tax payment;
- 25 (v) vehicle size, weight, and load;
- 26 (vi) security ~~[requirements]~~ or insurance;
- 27 (vii) ~~[Title 27, Chapter 17, Motor Carrier Safety Act]~~ this chapter;
- 28 (viii) hazardous material as defined under 49 U.S.C. app. Sec. 1802;
- 29 (ix) livestock transportation; and
- 30 (x) safety ~~[requirements]~~.

31 (b) The ports-of-entry shall be located on state highways at sites determined by the

1 department.

2 (2) (a) The ports-of-entry shall be operated and maintained by the department.

3 (b) A port-of-entry agent may check, inspect, or test drivers, vehicles, and vehicle loads
4 for compliance with state and federal laws specified in Subsection (1).

5 (3) (a) A port-of-entry agent, in whose presence an offense described in this section is
6 committed, may:

7 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

8 (ii) request and administer chemical tests to determine blood alcohol concentration in
9 compliance with Section 41-6-44.3;

10 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

11 (iv) serve a driver with notice of the Driver License Division of the Department of Public
12 Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in
13 accordance with Section 53-3-418.

14 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
15 port-of-entry agent [~~lacking~~] who is not a peace officer [designation] or special condition officer
16 designated under Title 77, Chapter 1a, Peace Officer Designation.

17 Section 240. Section **72-9-502**, which is renumbered from Section 27-17-502 is
18 renumbered and amended to read:

19 [~~27-17-502~~]. **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs --**
20 **Exceptions.**

21 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
22 vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in
23 Section 4-24-2, shall stop at a port-of-entry [~~if stopping at the port-of-entry does not increase the~~
24 ~~total one-way trip distance of the motor vehicle by more than three miles~~] as required under this
25 section.

26 (2) The department may erect and maintain signs directing motor vehicles to a
27 port-of-entry as provided in [~~Subsection (1)~~] this section.

28 (3) A motor [~~vehicle whose~~] carrier is exempt from this section if the total one-way trip
29 distance for the motor vehicle would be increased by more than 5% or three miles, whichever is
30 greater if diverted to a port-of-entry [~~is exempt from this section~~].

31 Section 241. Section **72-9-503**, which is renumbered from Section 27-17-503 is

1 (ii) The inspection certificate shall expire two years from the month of issuance.

2 (d) The department [~~of Transportation~~] may charge a fee established under Section
3 63-38-3.2 to cover the cost of the inspection required under this section.

4 (2) The department shall make consumer protection information available to the public
5 that may use a tow truck motor carrier.

6 Section 244. Section **72-9-603**, which is renumbered from Section 27-17-603 is
7 renumbered and amended to read:

8 ~~[27-17-603]~~. **72-9-603. Towing notice requirements -- Cost responsibilities**
9 **-- Abandoned vehicle title restrictions -- Maximum rates.**

10 (1) Unless a vehicle is impounded under Section 41-6-44.30, after performing a tow truck
11 service without the vehicle owner's knowledge, the person operating the tow truck shall:

12 (a) within one hour of arriving at the place of storage or impound of the vehicle, contact
13 the law enforcement agency having jurisdiction over the area where the vehicle was picked up and
14 notify the agency of the:

15 (i) location of the vehicle;

16 (ii) date, time, and location from which the vehicle was removed;

17 (iii) reasons for the removal of the vehicle;

18 (iv) person who requested the removal of the vehicle; and

19 (v) vehicle's description, including its identification number and license number; and

20 (b) within five days of performing the tow truck service, send a certified letter to the last
21 known address of the registered owner of the vehicle obtained from the Motor Vehicle Division
22 or if the person has actual knowledge of the owner's address to the current address, notifying him
23 of the:

24 (i) location of the vehicle;

25 (ii) date, time, location from which the vehicle was removed;

26 (iii) reasons for the removal of the vehicle;

27 (iv) person who requested the removal of the vehicle;

28 (v) vehicle's description, including its identification number and license number; and

29 (vi) costs and procedures to retrieve the vehicle.

30 (2) The registered owner of a vehicle lawfully removed is responsible for paying the
31 towing, impound, and storage fees.

1 (3) Towing, impound, and storage fees are a possessory lien on the vehicle until paid.

2 (4) A person may not request a transfer of title to an abandoned vehicle until at least 30
3 days after notice has been sent under Subsection (1)(b).

4 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
5 Department of Transportation may set maximum rates that:

6 (a) tow truck motor carriers may charge for the towing of vehicles that are transported in
7 response to:

8 (i) a peace officer dispatch call;

9 (ii) a motor vehicle division call; and

10 (iii) any other call where the owner of the vehicle has not consented to removal of his
11 vehicle; and

12 (b) impound yards may charge for the storage of vehicles stored as a result of one of the
13 conditions listed under Subsection (5)(a).

14 Section 245. Section **72-9-604**, which is renumbered from Section 27-17-604 is
15 renumbered and amended to read:

16 ~~[27-17-604].~~ **72-9-604. Regulatory powers of local authorities -- Tow trucks.**

17 (1) A county or municipal legislative or governing body may not enact or enforce any
18 ordinance, regulation, rule, or fee pertaining to a tow truck or tow truck motor carrier that conflicts
19 with this part.

20 (2) A tow truck motor carrier that has a county or municipal business license for a place
21 of business located within that county or municipality may not be required to obtain another
22 business license in order to perform a tow truck service in another county or municipality if there
23 is not a business location in the other county or municipality.

24 (3) A county or municipal legislative body may require an annual tow truck safety
25 inspection in addition to the inspections required under Sections ~~[27-17-602 and]~~ 53-8-205 and
26 72-9-602 if:

27 (a) no fee is charged for the inspection; and

28 (b) the inspection complies with federal motor carrier safety regulations.

29 (4) A tow truck shall be subject to only one annual safety inspection under Subsection (3).
30 A county or municipality that requires the additional annual safety inspection shall accept the same
31 inspection performed by another county or municipality.

1 Section 246. Section **72-9-605**, which is renumbered from Section 27-17-605 is
2 renumbered and amended to read:

3 ~~[27-17-605]~~. **72-9-605. Exception from part.**

4 This part does not apply to a person who is towing a vehicle owned by that person in a
5 noncommercial operation.

6 Section 247. Section **72-9-701**, which is renumbered from Section 27-17-701 is
7 renumbered and amended to read:

8 **Part 7. Penalties, Fines, and Fees**

9 ~~[27-17-701]~~. **72-9-701. Penalty for unlawful conduct.**

10 (1) Unless otherwise specified, any person who violates the provisions of this chapter or
11 who aids or abets another person in a violation of this chapter is guilty of a class B misdemeanor.
12 A second or subsequent conviction for a violation of this chapter or of aiding or abetting another
13 person in a violation of this chapter is a class A misdemeanor.

14 (2) Unless otherwise specified, any person who fails to obey any lawful order or rule made
15 under this chapter is guilty of a class B misdemeanor. A second or subsequent conviction for
16 failing to obey any lawful order or rule made under this chapter is a class A misdemeanor.

17 Section 248. Section **72-9-702**, which is renumbered from Section 27-17-702 is
18 renumbered and amended to read:

19 ~~[27-17-702]~~. **72-9-702. Existing rights of action unaffected -- Penalties**
20 **cumulative.**

21 (1) This chapter may not be construed to have the effect of releasing or waiving any right
22 of action by the state, the department or any person for any right, penalty, or forfeiture which may
23 have arisen or occurred under any law of this state before [~~the effective date of this act~~] May 10,
24 1983, or which arises or occurs after [~~the effective date of this chapter~~] May 10, 1983.

25 (2) All penalties accruing under this chapter are cumulative, and a suit for the recovery of
26 one penalty is not a bar to and shall not affect the recovery of any other penalty or forfeiture, and
27 is not a bar to any criminal prosecution against any motor carrier, or any officer, director, agent,
28 or employee of a motor carrier, or any other corporation or person, or a bar to the exercise by the
29 department, through the court, of its power to punish for contempt.

30 Section 249. Section **72-9-703**, which is renumbered from Section 27-17-704 is
31 renumbered and amended to read:

1 ~~[27-17-704]~~. **72-9-703. Civil penalties for violations -- Compromise.**

2 (1) In addition to any other penalties, a motor carrier that fails or neglects to comply with
3 any provision of the Constitution of this state, statute, or any rule or order of the department is
4 subject to a civil penalty of not less than \$500 nor more than \$2,000 for each offense.

5 (2) Every violation of any provision of the constitution of this state, statute, or any rule or
6 order of the department, is a separate and distinct offense. Each day's continuance of the violation
7 is a separate and distinct offense.

8 (3) (a) The civil penalty may be compromised by the department and a determination of
9 compromise is appealable by the person alleged to have committed the violation. In determining
10 the amount of the penalty or the amount agreed upon in compromise, the department shall consider
11 the:

12 (i) gravity of the violation; and

13 (ii) good faith of the person charged in attempting to achieve compliance after notification
14 of the violation.

15 (b) The amount of the penalty when finally determined or the amount agreed upon in
16 compromise may be deducted from any sums owing by the state to the person charged or may be
17 recovered in a civil action in the courts of this state.

18 (4) In construing and enforcing the provisions of this chapter relating to penalties, the act,
19 omission, or failure of any officer, agent, or employee of any motor carrier, acting within the scope
20 of his official duties or employment, is deemed to be the act, omission, or failure of the motor
21 carrier.

22 Section 250. Section **72-9-704**, which is renumbered from Section 27-17-705 is
23 renumbered and amended to read:

24 ~~[27-17-705]~~. **72-9-704. Assignment of administrative law judge.**

25 (1) The department shall assign an administrative law judge to hear contested matters.

26 (2) The administrative law judge's orders shall be reviewed by the department.

27 Section 251. Section **72-9-705**, which is renumbered from Section 27-17-706 is
28 renumbered and amended to read:

29 ~~[27-17-706]~~. **72-9-705. Disposition of fees and civil fines.**

30 All fees and civil fines received and collected under this chapter shall be transmitted daily
31 to the state treasurer and deposited in the Transportation Fund.

1 Section 252. Section **72-9-706**, which is renumbered from Section 27-17-707 is
2 renumbered and amended to read:

3 **[27-17-707]. 72-9-706. Motor carrier fee for certain vehicles -- Collection.**

4 (1) A motor carrier, not subject to the fee under Section 41-1a-1219, who operates a
5 commercial vehicle on a highway within this state shall pay an annual motor carrier fee at the same
6 rate provided under Section 41-1a-1219 for each motor vehicle or combination of motor vehicles
7 operated in this state.

8 (2) The department shall collect the fee required under this section.

9 Section 253. Section **72-10-101**, which is renumbered from Section 2-1-24 is renumbered
10 and amended to read:

11 **CHAPTER 10. AERONAUTICS**

12 **Part 1. Uniform Aeronautical Regulatory Act**

13 **[2-1-24]. 72-10-101. Title.**

14 This [~~act may be cited~~] chapter is known as the [~~Uniform Aeronautical Regulatory~~]
15 "Aeronautics Act."

16 Section 254. Section **72-10-102**, which is renumbered from Section 2-1-1 is renumbered
17 and amended to read:

18 **[2-1-1]. 72-10-102. Definitions.**

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

20 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air
21 navigation.

22 (2) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair,
23 or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or other
24 air navigation facilities.

25 (3) "Aeronautics instructor" means any individual engaged in giving or offering to give
26 instruction in aeronautics, flying, or ground subjects, either with or without:

27 (a) compensation or other reward;

28 (b) advertising the occupation;

29 (c) calling his facilities an air school, or any equivalent term; or

30 (d) employing or using other instructors.

31 (4) "Aircraft" means any contrivance now known or in the future invented, used, or

1 designed for navigation of or flight in the air.

2 (5) "Air instruction" means the imparting of aeronautical information by any aviation
3 instructor or in any air school or flying club.

4 (6) "Airport" means any area of land, water, or both, that:

5 (a) is used or is made available for landing and takeoff;

6 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of
7 passengers and cargo; and

8 (c) meets the minimum requirements established by the division as to size and design,
9 surface, marking, equipment, and operation.

10 (7) "Airport authority" has the same meaning as "authority" in Section 17A-2-1502, the
11 Utah Public Airport Authority Act definitions.

12 (8) "Air school" means any person engaged in giving, offering to give, or advertising,
13 representing, or holding himself out as giving, with or without compensation or other reward,
14 instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

15 (9) "Airworthiness" means conformity with requirements prescribed by the Federal
16 Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or
17 accessories.

18 (10) "Antique aircraft" means a civil aircraft that is:

19 (a) 30 years old or older, calculated as to include the current year;

20 (b) primarily a collector's item and used solely for recreational or display purposes;

21 (c) not used for daily or regular transportation; and

22 (d) not used for commercial operations.

23 (11) "Civil aircraft" means any aircraft other than a public aircraft.

24 (12) "Commercial aircraft" means aircraft used for commercial purposes.

25 (13) "Commercial airport" means a landing area, landing strip, or airport that may be used
26 for commercial operations.

27 (14) "Commercial flight operator" means a person who conducts commercial operations.

28 (15) "Commercial operations" means:

29 (a) any operations of an aircraft for compensation or hire or any services performed
30 incidental to the operation of any aircraft for which a fee is charged or compensation is received,
31 including the servicing, maintaining, and repairing of aircraft, the rental or charter of aircraft, the

1 operation of flight or ground schools, the operation of aircraft for the application or distribution
2 of chemicals or other substances, and the operation of aircraft for hunting and fishing; or

3 (b) the brokering or selling of any of these services; but

4 (c) does not include any operations of aircraft as common carriers certificated by the
5 federal government or the services incidental to those operations.

6 (16) "Committee" means the Aeronautical Committee created in Section [~~2-1-12~~]
7 72-10-103.

8 (17) "Dealer" means any person who is actively engaged in the business of flying for
9 demonstration purposes, or selling or exchanging aircraft, and who has an established place of
10 business.

11 [~~(18)~~] "Department" means the Department of Transportation.]

12 [~~(19)~~] (18) "Division" means the Operations Division in the Department of Transportation,
13 created in Section [~~63-49-7~~] 72-1-204.

14 [~~(20)~~] (19) "Experimental aircraft" means:

15 (a) any aircraft designated by the Federal Aviation Administration or the military as
16 experimental and used solely for the purpose of experiments, or tests regarding the structure or
17 functioning of aircraft, engines, or their accessories; and

18 (b) any aircraft designated by the Federal Aviation Administration as:

19 (i) being custom or amateur built; and

20 (ii) used for recreational, educational, or display purposes.

21 [~~(21)~~] (20) "Flight" means any kind of locomotion by aircraft while in the air.

22 [~~(22)~~] (21) "Flying club" means five or more persons who for neither profit nor reward
23 own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

24 [~~(23)~~] (22) "Glider" means an aircraft heavier than air, similar to an airplane, but without
25 a power plant.

26 [~~(24)~~] (23) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or
27 overhauls aircraft, engines, or accessories.

28 [~~(25)~~] (24) "Parachute jumper" means any person who has passed the required test for
29 jumping with a parachute from an aircraft, and has passed an examination showing that he
30 possesses the required physical and mental qualifications for the jumping.

31 [~~(26)~~] (25) "Parachute rigger" means any person who has passed the required test for

1 packing, repairing, and maintaining parachutes.

2 [(27)] (26) "Passenger aircraft" means aircraft used for transporting persons, in addition
3 to the pilot or crew, with or without their necessary personal belongings.

4 [(28)] (27) "Person" means any individual, corporation, limited liability company, or
5 association of individuals.

6 [(29)] (28) "Pilot" means any person who operates the controls of an aircraft while
7 in-flight.

8 [(30)] (29) "Primary glider" means any glider that has a gliding angle of less than ten to
9 one.

10 [(31)] (30) "Public aircraft" means an aircraft used exclusively in the service of any
11 government or of any political subdivision, including the government of the United States, of the
12 District of Columbia, and of any state, territory, or insular possession of the United States, but not
13 including any government-owned aircraft engaged in carrying persons or goods for commercial
14 purposes.

15 [(32)] (31) "Reckless flying" means the operation or piloting of any aircraft recklessly, or
16 in a manner as to endanger the property, life, or body of any person, due regard being given to the
17 prevailing weather conditions, field conditions, and to the territory being flown over.

18 [(33)] (32) "Registration number" means the number assigned by the Federal Aviation
19 Administration to any aircraft, whether or not the number includes a letter or letters.

20 [(34)] (33) "Secondary glider" means any glider that has a gliding angle between ten to
21 one and 16 to one, inclusive.

22 [(35)] (34) "Soaring glider" means any glider that has a gliding angle of more than 16 to
23 one.

24 Section 255. Section **72-10-103**, which is renumbered from Section 2-1-12 is renumbered
25 and amended to read:

26 [2-1-12]. **72-10-103. Aeronautical Committee created -- Advisory capacity --**
27 **Powers and duties.**

28 (1) (a) There is created an Aeronautical Committee within the division to act in an
29 advisory capacity in determining the aeronautics policy within the state.

30 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
31 committee shall make rules:

1 (i) governing the establishment, location, and use of air navigation facilities; [and]
2 (ii) regulating the use, licensing, and supervision of airports;
3 (iii) establishing minimum standards with which all air navigation facilities, flying clubs,
4 aircraft, gliders, pilots, and airports must comply; and
5 (iv) safeguarding from accident and protecting the safety of persons operating or using
6 aircraft and persons and property on the ground.

7 (2) The rules may:

8 (a) require that any device or accessory that forms part of any aircraft or its equipment be
9 certified as complying with this chapter;

10 (b) limit the use of any device or accessory as necessary for safety; and

11 (c) develop and promote aeronautics within this state.

12 (3) (a) To avoid the danger of accident incident to confusion arising from conflicting rules
13 governing aeronautics, the committee's rules shall conform as nearly as possible with federal
14 legislation, rules, regulations, and orders on aeronautics.

15 (b) The committee's rules may not be inconsistent with paramount federal legislation,
16 rules, regulations, and orders on the subject.

17 (4) The committee may not require any pilot, aircraft, or mechanic who has procured a
18 license under the Civil Aeronautics Authority of the United States to obtain a license from this
19 state, other than required by this chapter.

20 (5) The committee may not make rules that conflict with the regulations of:

21 (a) the Civil Aeronautics Authority; or

22 (b) other federal agencies authorized to regulate the particular activity.

23 (6) All schedules of charges, tolls, and fees established by the division shall be approved
24 and adopted by the committee.

25 (7) The committee shall comply with the procedures and requirements of Title 63, Chapter
26 46b, Administrative Procedures Act, in its adjudicative proceedings.

27 Section 256. Section **72-10-104**, which is renumbered from Section 2-1-2 is renumbered
28 and amended to read:

29 **[2-1-2]. 72-10-104. Aeronautical Committee -- Members, appointment, terms**
30 **-- Chair -- Quorum -- Per diem allowance and expenses.**

31 (1) (a) The Aeronautical Committee shall be comprised of five members who shall be

1 appointed by the governor.

2 (b) Each member of the committee shall be knowledgeable and interested in aviation.

3 (c) Not more than three of the members shall be of the same political party. Except as
4 required by Subsection (d), all appointments shall be for four-year terms of office.

5 (d) Notwithstanding the requirements of Subsection (c), the governor shall, at the time of
6 appointment or reappointment, adjust the length of terms to ensure that the terms of committee
7 members are staggered so that approximately half of the committee is appointed every two years.

8 (2) When a vacancy occurs in the membership for any reason, the replacement shall be
9 appointed for the unexpired term.

10 (3) The chair of the committee shall be appointed from the membership of the committee.
11 Three members of the committee shall constitute a quorum for the exercising of the powers and
12 authority conferred upon it.

13 (4) (a) (i) Members who are not government employees shall receive no compensation or
14 benefits for their services, but may receive per diem and expenses incurred in the performance of
15 the member's official duties at the rates established by the Division of Finance under Sections
16 63A-3-106 and 63A-3-107.

17 (ii) Members may decline to receive per diem and expenses for their service.

18 (b) (i) State government officer and employee members who do not receive salary, per
19 diem, or expenses from their agency for their service may receive per diem and expenses incurred
20 in the performance of their official duties from the committee at the rates established by the
21 Division of Finance under Sections 63A-3-106 and 63A-3-107.

22 (ii) State government officer and employee members may decline to receive per diem and
23 expenses for their service.

24 Section 257. Section **72-10-105**, which is renumbered from Section 2-1-13 is renumbered
25 and amended to read:

26 ~~[2-1-13]~~. **72-10-105. Investigations and hearings -- Powers.**

27 (1) The Aeronautical Committee may conduct investigations, inquiries, and hearings
28 concerning matters covered by this chapter and accidents or injuries incident to the operation of
29 aircraft occurring within this state.

30 (2) The committee may:

31 (a) administer oaths and affirmations;

- 1 (b) certify to all official acts;
2 (c) issue subpoenas;
3 (d) compel the attendance and testimony of witnesses; and
4 (e) compel the production of papers, books, and documents.

5 (3) (a) If any person fails to comply with any subpoena or order issued by the committee,
6 the committee may petition any district court in this state to order compliance.

7 (b) The district court may order the person to comply with the requirements of the
8 subpoena or order of the committee, or to give evidence upon the matter in question.

9 (c) Any failure to obey the order of the court may be punished by the court as contempt.

10 Section 258. Section **72-10-106**, which is renumbered from Section 2-1-14 is renumbered
11 and amended to read:

12 **[2-1-14]. 72-10-106. Reports of investigations or hearings -- Restrictions on use**
13 **-- Members of committee or employees of division not required to testify.**

14 (1) The reports of investigations or hearings, or any part of them, may not be admitted in
15 evidence or used for any purpose in any suit, action, or proceeding growing out of any matter
16 referred to in the investigations or hearings, or in any report of them, except in case of criminal or
17 other proceedings instituted by or on behalf of the division under this title.

18 (2) A member of the committee or any employee of the division may not be required to
19 testify to any fact ascertained in or information gained by reason of his official capacity.

20 (3) The members or employees of the division may not be required to testify as expert
21 witnesses in any suit, action, or proceeding involving any aircraft or any navigation facility.

22 Section 259. Section **72-10-107**, which is renumbered from Section 2-1-15 is renumbered
23 and amended to read:

24 **[2-1-15]. 72-10-107. Enforcement of chapter -- Fees for services by division.**

25 (1) (a) The division and every county and municipal officer required to enforce state laws
26 shall enforce and assist in the enforcement of this chapter.

27 (b) The division may enforce this chapter by injunction in the district courts of this state.

28 (c) Other departments and political subdivisions of this state may cooperate with the
29 committee and the division in the development of aeronautics within this state.

30 (2) (a) Unless otherwise provided by statute, the division may adopt a schedule of fees
31 assessed for services provided by the division.

1 (b) Each fee shall be reasonable and fair, and shall reflect the cost of the service provided.

2 (c) Each fee established in this manner shall be submitted to and approved by the
3 Legislature as part of the division's annual appropriations request.

4 (d) The division may not charge or collect any fee proposed in this manner without
5 approval by the Legislature.

6 Section 260. Section **72-10-108**, which is renumbered from Section 2-1-15.5 is
7 renumbered and amended to read:

8 **[2-1-15.5]. 72-10-108. Procedures -- Adjudicative proceedings.**

9 The division shall conduct adjudicative proceedings in accordance with Title 63, Chapter
10 46b, Administrative Procedures Act.

11 Section 261. Section **72-10-109**, which is renumbered from Section 2-1-6 is renumbered
12 and amended to read:

13 **[2-1-6]. 72-10-109. Payment of expenses of administration.**

14 The division shall pay the expenses of the administration of this [act] part out of the special
15 funds set up by the state treasurer for that purpose.

16 Section 262. Section **72-10-110**, which is renumbered from Section 2-1-7 is renumbered
17 and amended to read:

18 **[2-1-7]. 72-10-110. Certificate of registration of aircraft required -- Exceptions.**

19 (1) (a) [~~It is unlawful for any~~] A person [~~to~~] may not operate, pilot, or navigate, or cause
20 or authorize to be operated, piloted, or navigated within this state any civil aircraft located in this
21 state unless the aircraft has a [~~currently effective~~] current certificate of registration issued by this
22 state through the county in which the aircraft is located.

23 (b) This restriction does not apply to aircraft licensed by a foreign country with which the
24 United States has a reciprocal agreement covering the operations of [~~such~~] the registered aircraft
25 or to a non-passenger-carrying flight solely for inspection or test purposes authorized by the
26 Federal Aviation Administration to be made without the certificate of registration.

27 (2) Aircraft assessed by the State Tax Commission are exempt from the state registration
28 requirement under Subsection (1).

29 Section 263. Section **72-10-111**, which is renumbered from Section 2-1-7.5 is renumbered
30 and amended to read:

31 **[2-1-7.5]. 72-10-111. Aircraft registration information requirements --**

1 **Registration fee.**

2 (1) All applications for aircraft registration, including under Section [~~2-1-7.6~~] 72-10-112,
3 shall contain:

4 (a) a description of the aircraft, including:

5 (i) the manufacturer or builder;

6 (ii) the aircraft registration number, type, year of manufacture, or if an experimental
7 aircraft, the year the aircraft was completed and certified for air worthiness by an inspector of the
8 Federal Aviation Administration; and

9 (iii) gross weight;

10 (b) the name and address of the owner of the aircraft; and

11 (c) where the aircraft is located, or the address where the aircraft is usually used or based.

12 (2) (a) The application for registration in the state of Utah shall be accompanied by [a] an
13 annual registration fee determined by the State Tax Commission. However, if the application is
14 to register an antique aircraft or experimental aircraft, the fee is set under Section [~~2-1-7.6~~]
15 72-10-112.

16 (b) The fee shall be collected by the county and remitted to the tax commission to be used
17 to defray the costs of implementing this section.

18 Section 264. Section **72-10-112**, which is renumbered from Section 2-1-7.6 is renumbered
19 and amended to read:

20 [~~2-1-7.6~~]. **72-10-112. Registration of antique or experimental aircraft.**

21 (1) In lieu of the annual registration fees under Section [~~2-1-7.5~~] 72-10-111, the
22 registration fee for antique aircraft and experimental aircraft is a single fee of \$50.

23 (2) Registration under this section shall comply with the registration requirements of
24 Section [~~2-1-7.5~~] 72-10-111, but need not be renewed while an aircraft is operated as an antique
25 aircraft or experimental aircraft under this chapter.

26 (3) An aircraft to be registered as an antique aircraft or experimental aircraft shall meet
27 applicable airworthiness standards established by state and federal aviation regulatory agencies.

28 Section 265. Section **72-10-113**, which is renumbered from Section 2-1-7.7 is renumbered
29 and amended to read:

30 [~~2-1-7.7~~]. **72-10-113. Failure to register -- Penalty.**

31 Failure to register any aircraft required to be registered with the state in the county in which

1 the aircraft is located subjects the owners of the aircraft to the same penalties provided for motor
2 vehicles under Sections 41-1a-1101, 41-1a-1301, and 41-1a-1307.

3 Section 266. Section **72-10-114**, which is renumbered from Section 2-1-8 is renumbered
4 and amended to read:

5 **[2-1-8]. 72-10-114. Pilot's certificate of competency required -- Exceptions.**

6 (1) ~~[It is unlawful for any]~~ A person ~~[to]~~ may not pilot within this state any civil aircraft
7 unless that person is the holder of a currently effective pilot's certificate of competency issued by
8 the government of the United States.

9 (2) This restriction does not apply to any person operating any aircraft licensed by a
10 foreign country with which the United States has a reciprocal agreement covering the operation
11 of ~~[such]~~ the licensed aircraft.

12 Section 267. Section **72-10-115**, which is renumbered from Section 2-1-9 is renumbered
13 and amended to read:

14 **[2-1-9]. 72-10-115. Mechanic's certificate of competency.**

15 (1) Mechanics will be rated as airframe or powerplant mechanics.

16 (2) A person may hold a plurality of certificate of competency, ~~[such as]~~ including both
17 classes of mechanic's certificate of competency or a pilot's and mechanic's certificate of
18 competency.

19 (3) The certificate shall be a currently effective certificate of competency issued by the
20 government of the United States.

21 (4) This restriction does not apply to mechanics employed by the United States
22 government.

23 Section 268. Section **72-10-116**, which is renumbered from Section 2-1-11 is renumbered
24 and amended to read:

25 **[2-1-11]. 72-10-116. Certificate carried subject to inspection -- Burden of**
26 **proving validity of certificate in criminal proceedings.**

27 (1) The certificate of license or permit required of a pilot or a student shall be kept in the
28 personal possession of a licensee or permittee operating an aircraft within the state.

29 (2) The certificate of license required for an aircraft shall be carried in the aircraft at all
30 times and shall be conspicuously posted in clear view of passengers.

31 (3) The certificate of pilot's license, student's permit, or aircraft license shall be presented

1 for inspection upon the demand of any peace officer of this state, any authorized official or
2 employee of the division, or any official, manager, or person in charge of any airport in this state
3 upon which it shall land, or upon the reasonable request of any other person.

4 (4) In any criminal prosecution under this title, a defendant who relies upon a license or
5 permit of any kind has the burden of proving that the defendant is properly licensed or is the
6 possessor of a proper license or permit.

7 (5) The fact of nonissuance of a license or permit may be evidenced by a certificate signed
8 by the official having power of issuance, or his deputy, under seal of office, stating that a diligent
9 search in the office records has been made and that from the records it appears that no license or
10 permit was issued.

11 Section 269. Section **72-10-117**, which is renumbered from Section 2-1-16 is renumbered
12 and amended to read:

13 **[2-1-16]. 72-10-117. Airport license required -- Issuance by division --**
14 **Restrictions on use of lands or waters of another -- Annual fee.**

15 (1) (a) An airport open to public use may not be used or operated unless it is duly licensed
16 by the division.

17 (b) Any person who owns or operates an airport open to public use shall file an application
18 with the division for a license for the facility.

19 (2) (a) A license shall be granted whenever it is reasonably necessary for the
20 accommodation and convenience of the public and may be granted in other cases in the discretion
21 of the division.

22 (b) The division may not issue a license if the division finds that the facility is not
23 constructed, equipped, and operated in accordance with the standards set by the committee.

24 (3) (a) The landing or taking off of aircraft on or from the lands or waters of another
25 without consent is unlawful, except in the case of a forced landing.

26 (b) For damages caused by a takeoff or landing, the owner, lessee of the aircraft, operator,
27 or any of them is liable.

28 (4) (a) A student pilot may not land on any area without the knowledge of the operator,
29 instructor, or school from which the student is flying.

30 (b) The use of private landing fields must not impose a hazard upon the person or property
31 of others.

1 (5) A certificate of registration is not required of, and the rules made under this title do not
2 apply to an airport owned or operated by the government of the United States.

3 (6) The division, with the approval of the committee, may charge a fee determined by the
4 division pursuant to Section 63-38-3.2 for the issuance of an annual airport license.

5 Section 270. Section **72-10-118**, which is renumbered from Section 2-1-16.5 is
6 renumbered and amended to read:

7 **[2-1-16.5]. 72-10-118. Aircraft landing permits -- Eligible aircraft -- Special**
8 **licenses -- Rules -- Proof of insurance -- Bonds.**

9 (1) (a) The county executive of any county may issue permits authorizing aircraft to land
10 on or take off from designated county roads.

11 (b) Permits may be issued to aircraft operated:

12 (i) as air ambulances;

13 (ii) as pesticide applicators; or

14 (iii) by or under contract with public utilities and used in connection with inspection,
15 maintenance, installation, operation, construction, or repair of property owned or operated by the
16 public utility.

17 (2) Permits may also be issued by the county executive to other aircraft under rules made
18 by the division.

19 (3) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
20 the division shall make rules for issuing a special license to:

21 (i) an aircraft permitted by a county executive to land on a county road; and

22 (ii) a pilot permitted to operate an aircraft licensed under this subsection from a county
23 road.

24 (b) The rules made under this subsection shall include provisions for the safety of the
25 flying and motoring public.

26 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
27 committee shall make rules for the landing and taking off of aircraft to which permits have been
28 issued, which may include annual reports of activities of the aircraft.

29 (5) Prior to obtaining a permit or license to any aircraft, the applicant shall file with the
30 county executive and the division a certificate of insurance executed by an insurance company or
31 association authorized to transact business in this state upon a form prescribed by the division that

1 there is in full force and effect a policy of insurance covering the aircraft for liability against:

2 (a) personal injury or death for any one person in an amount of \$50,000 or more;

3 (b) any one accident in an amount of \$100,000 or more; and

4 (c) property damage in an amount of \$50,000 or more.

5 (6) In addition to the insurance required under this section, either the county executive or
6 the division may require the posting of a bond to indemnify the county or division against liability
7 resulting from issuing the permit or license.

8 Section 271. Section **72-10-119**, which is renumbered from Section 2-1-17 is renumbered
9 and amended to read:

10 **[2-1-17]. 72-10-119. Reason for division order to be stated -- Closing airports**
11 **-- Notice -- Right of inspection.**

12 (1) If the division rejects an application for permission to operate or establish an airport,
13 or issues any order under this chapter that requires or prohibits certain actions, its order shall:

14 (a) contain the reasons for the rejection or order; and

15 (b) state the requirements to be met before approval will be given or the order changed.

16 (2) The division may order the closing of any airport until its requirements have been
17 fulfilled.

18 (3) (a) An airport not meeting the standards required by the division shall:

19 (i) be given notice of its noncompliance; and

20 (ii) have ten days from the receipt of that notice to respond to the division with a plan and
21 schedule for compliance.

22 (b) If the airport fails to respond within the required time, the division may revoke the
23 airport license and close the airport.

24 (4) The division and any state, county, or municipal officer charged with the duty of
25 enforcing this chapter may inspect and examine at reasonable hours any premises, buildings, or
26 other structures where regulated airports are operated.

27 Section 272. Section **72-10-120**, which is renumbered from Section 2-1-18 is renumbered
28 and amended to read:

29 **[2-1-18]. 72-10-120. Judicial review.**

30 (1) Any person against whom an order has been entered may obtain judicial review.

31 (2) Venue for judicial review of informal adjudicative proceedings is in the district court

1 of the county in which the order was made or the county in which property affected by the order
2 is located.

3 Section 273. Section **72-10-121**, which is renumbered from Section 2-1-21 is renumbered
4 and amended to read:

5 ~~[2-1-21].~~ **72-10-121. Violations -- Penalty.**

6 [Any] A person [~~failing~~] who fails to comply with the requirements or violating any of the
7 provisions of this [act] part, or the rules or orders adopted by the board is guilty of a class B
8 misdemeanor.

9 Section 274. Section **72-10-122**, which is renumbered from Section 2-1-22 is renumbered
10 and amended to read:

11 ~~[2-1-22].~~ **72-10-122. Severability clause.**

12 If any provision of this [act] part or [the] its application [thereof] to any person or
13 circumstances is held invalid, [~~such~~] this invalidity [~~shall~~] may not affect other provisions or
14 applications of the [act] part which can be given effect without the invalid provision or application
15 and to this end the provisions of this [act] part are declared to be severable.

16 Section 275. Section **72-10-123**, which is renumbered from Section 2-1-23 is renumbered
17 and amended to read:

18 ~~[2-1-23].~~ **72-10-123. Construction of chapter.**

19 This [act] chapter shall be so interpreted and construed as to effectuate its general purpose
20 to make uniform the law of those states which enact it.

21 Section 276. Section **72-10-124**, which is renumbered from Section 2-1-25 is renumbered
22 and amended to read:

23 ~~[2-1-25].~~ **72-10-124. Sovereignty in space above land and water in state.**

24 Sovereignty in the space above the lands and waters of this state is declared to rest in the
25 state, except where granted to and assumed by the United States pursuant to a constitutional grant
26 from the people of this state.

27 Section 277. Section **72-10-125**, which is renumbered from Section 2-1-26 is renumbered
28 and amended to read:

29 ~~[2-1-26].~~ **72-10-125. Report of death or serious injury to person or property.**

30 If in the operation of civil aircraft death or serious injury to person or to property results,
31 a report shall be made in accordance with federal aviation regulations.

1 Section 278. Section **72-10-126**, which is renumbered from Section 2-1-27 is renumbered
2 and amended to read:

3 **[2-1-27]. 72-10-126. Report of injury to aircraft or property.**

4 All accidents in the operation of civil aircraft which cause injury to aircraft or property
5 shall be reported in accordance with federal aviation regulations.

6 Section 279. Section **72-10-127**, which is renumbered from Section 2-1-28 is renumbered
7 and amended to read:

8 **[2-1-28]. 72-10-127. Marking buildings to aid navigation.**

9 (1) The division may cooperate with the officials of all state institutions for the purpose
10 of marking one building within their group as an aid to aerial navigation.

11 (2) The marking is subject to the approval of the division and shall comply with the
12 requirements of the United States civil aeronautics authority for air marking.

13 Section 280. Section **72-10-128**, which is renumbered from Section 2-1-30 is renumbered
14 and amended to read:

15 **[2-1-30]. 72-10-128. Tampering with aircraft forbidden.**

16 It shall be unlawful for any person, without express or implied authority of the owner, to
17 operate, climb upon, enter, manipulate the controls or accessories of, set in motion, remove parts
18 or contents of, or otherwise tamper with any civil aircraft within this state, or knowingly cause or
19 permit the same to be done.

20 Section 281. Section **72-10-129**, which is renumbered from Section 2-1-31 is renumbered
21 and amended to read:

22 **[2-1-31]. 72-10-129. Tampering with airport or equipment forbidden.**

23 [No] A person [shall] may not interfere or tamper with any airport, landing field, or airway,
24 or the equipment thereof.

25 Section 282. Section **72-10-130**, which is renumbered from Section 2-1-39 is renumbered
26 and amended to read:

27 **[2-1-39]. 72-10-130. Expenditures for Civil Air Patrol.**

28 (1) The division may expend state aeronautics funds for the Utah wing of the Civil Air
29 Patrol to be used to:

- 30 (a) purchase aviation facilities, training, supplies, and equipment;
31 (b) defray maintenance and rental costs of hangar facilities and aircraft;

1 (c) purchase maintenance supplies and equipment for the communications network of the
2 Civil Air Patrol; and

3 (d) provide administrative costs approved by the division.

4 (2) The expenditures may not exceed in any fiscal year the amount appropriated to the
5 Utah wing of the Civil Air Patrol by the Legislature.

6 Section 283. Section **72-10-131**, which is renumbered from Section 2-1-40 is renumbered
7 and amended to read:

8 **[2-1-40]. 72-10-131. Approval of expenditures for Civil Air Patrol.**

9 [No] An expenditure of state funds for the civil air patrol [shall] may not be made unless
10 a purchase order is first approved by the director of aeronautics under guidelines established by
11 the Aeronautical Committee and unless the funds are specifically used as required in this [act]
12 chapter.

13 Section 284. Section **72-10-132**, which is renumbered from Section 2-1-41 is renumbered
14 and amended to read:

15 **[2-1-41]. 72-10-132. Tax-exempt status of Civil Air Patrol equipment.**

16 Equipment, aircraft and vehicles owned by the civil air patrol and used for the emergency
17 service needs of the state of Utah are given tax-exempt status.

18 Section 285. Section **72-10-201**, which is renumbered from Section 2-2-1 is renumbered
19 and amended to read:

20 **Part 2. Uniform Airports Act**

21 **[2-2-1]. 72-10-201. Powers of division -- Acceptance of property.**

22 The division, a county, or municipal legislative body may accept contributions of money
23 or real or personal property for the purpose of establishing, developing, operating, or maintaining
24 airports under [~~the Uniform Airports Act~~] this part.

25 Section 286. Section **72-10-202**, which is renumbered from Section 2-2-2 is renumbered
26 and amended to read:

27 **[2-2-2]. 72-10-202. Cooperation with counties, municipalities, and federal**
28 **government -- Expenditures by division.**

29 (1) The division may:

30 (a) cooperate with counties and municipalities in developing and constructing airports;

31 (b) make agreements on behalf of the state with any county or municipality regarding the

1 financial participation, construction, and operation of any airports;

2 (c) cooperate with the federal government in establishing airports; and

3 (d) accept from the United States of America, money to be matched with the funds of the
4 state and funds appropriated by any county or municipality in developing and constructing airports
5 under the Uniform Airports Act.

6 (2) The division may expend not to exceed 10% of its annual appropriation upon any one
7 project under this chapter.

8 Section 287. Section **72-10-203**, which is renumbered from Section 2-2-3 is renumbered
9 and amended to read:

10 **[2-2-3]. 72-10-203. Division and counties, municipalities, and airport**
11 **authorities authorized to acquire and regulate airports.**

12 (1) The division and municipalities, counties, and airport authorities may acquire,
13 establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and
14 police airports for the use of aircraft and may use for these purposes any available property that
15 is owned or controlled by the division or by a municipality, county, or airport authority.

16 (2) A county may not exercise the authority conferred in this section outside of its
17 geographical limits except jointly with an adjoining county.

18 Section 288. Section **72-10-204**, which is renumbered from Section 2-2-4 is renumbered
19 and amended to read:

20 **[2-2-4]. 72-10-204. Lands acquired by division and counties, municipalities,**
21 **and airport authorities -- Declaration of public purpose.**

22 Any land acquired, owned, leased, controlled, or occupied by the division or by a county,
23 municipality, or airport authority for the purposes enumerated in Section [2-2-3] 72-10-203, is
24 acquired, owned, leased, controlled, or occupied for public, governmental, and municipal purposes.

25 Section 289. Section **72-10-205**, which is renumbered from Section 2-2-5 is renumbered
26 and amended to read:

27 **[2-2-5]. 72-10-205. Acquisition of property -- Condemnation.**

28 (1) Private property needed by the division or a county, municipality, or airport authority
29 for an airport or landing field or for the expansion of an airport or landing field may be acquired
30 by grant, purchase, lease, or other means if the division or the political subdivision is able to agree
31 with the owners of the property on the terms of acquisition.

1 (2) If no agreement can be reached, the private property may be obtained by condemnation
2 in the manner provided for the state or a political subdivision to acquire real property for public
3 purposes.

4 Section 290. Section **72-10-206**, which is renumbered from Section 2-2-6 is renumbered
5 and amended to read:

6 ~~[2-2-6].~~ **72-10-206. Payment by appropriation or sale of bonds.**

7 The purchase price or award for real property acquired, in accordance with the provisions
8 of this [act] part, for an airport or landing field may be paid for by appropriation of money
9 available [therefor] for the property or wholly or partly from the proceeds of the sale of bonds of
10 [said] the county, municipality, or other political subdivision, as the legislative body of [such] the
11 political subdivision shall determine, subject to the adoption of a proposition [therefor] at a regular
12 or special election, if the adoption of [such] a proposition is a prerequisite to the issuance of bonds
13 of [such] the political subdivision for public purposes generally.

14 Section 291. Section **72-10-207**, which is renumbered from Section 2-2-7 is renumbered
15 and amended to read:

16 ~~[2-2-7].~~ **72-10-207. Powers of department and political subdivisions over**
17 **airports -- Security unit.**

18 (1) The department [of Transportation], and counties, municipalities, or other political
19 subdivisions of this state that have established or may establish airports or that acquire, lease, or
20 set apart real property for those purposes, may:

21 (a) construct, equip, improve, maintain, and operate the airports or may vest the authority
22 for their construction, equipment, improvement, maintenance, and operation in an officer of the
23 department [of Transportation] or in an officer, board, or body of the political subdivision;

24 (b) adopt rules, establish charges, fees, and tolls for the use of airports and landing fields,
25 fix penalties for the violation of the rules, and establish liens to enforce payment of the charges,
26 fees, and tolls, subject to approval by the Aeronautical Committee;

27 (c) lease the airports to private parties for operation for a term not exceeding 50 years, as
28 long as the public is not deprived of its rightful, equal, and uniform use of the facility;

29 (d) lease or assign space, area, improvements, equipment, buildings, and facilities on the
30 airports to private parties for operation for a term not exceeding 50 years;

31 (e) lease or assign real property comprising all or any part of the airports to private parties

1 for the construction and operation of hangars, shop buildings, or office buildings for a term not
2 exceeding 50 years, if the projected construction cost of the hangar, shop building, or office
3 building is \$100,000 or more; and

4 (f) establish, maintain, operate, and staff a security unit for the purpose of enforcing state
5 and local laws at any airport that is subject to federal airport security regulations.

6 (2) The department or political subdivision shall pay the construction, equipment,
7 improvement, maintenance, and operations expenses of any airport established by them under
8 Subsection (1) [~~a~~].

9 (3) (a) If the department or political subdivision establishes a security unit under
10 Subsection (1) (f), the department head or the governing body of the political subdivision shall
11 appoint persons qualified as peace officers under Title 77, Chapter 1a, Peace Officer Designation
12 to staff the security unit.

13 (b) A security unit appointed by the department or political subdivision is exempt from
14 civil service regulations.

15 Section 292. Section **72-10-208**, which is renumbered from Section 2-2-8 is renumbered
16 and amended to read:

17 [~~2-2-8~~]. **72-10-208. Providing for levying of taxes.**

18 The local public authorities having power to appropriate money within the counties,
19 municipalities, or other public subdivisions of this state for the purpose of acquiring, establishing,
20 developing, operating, maintaining, or controlling airports under the provisions of this [~~chapter~~]
21 part, are authorized to appropriate and cause to be raised by taxation or otherwise in such political
22 subdivisions money sufficient to carry out therein the provisions of this [~~chapter~~] part, also to use
23 for such purpose or purposes money derived from the airports.

24 Section 293. Section **72-10-209**, which is renumbered from Section 2-2-9 is renumbered
25 and amended to read:

26 [~~2-2-9~~]. **72-10-209. Acquisition of air rights -- Condemnation.**

27 (1) To provide unobstructed air space for the landing and taking off of aircraft using
28 airports acquired or maintained under this [~~title~~] chapter, the division and a county, municipality,
29 or airport authority may acquire the air rights over private property necessary to insure safe
30 approaches to the landing areas of the airports.

31 (2) The air rights may be acquired by grant, purchase, lease, or condemnation in the same

1 manner provided under Section ~~[2-2-5]~~ 72-10-205 for the acquisition or expansion of airports.

2 Section 294. Section **72-10-210**, which is renumbered from Section 2-2-10 is renumbered
3 and amended to read:

4 ~~[2-2-10].~~ **72-10-210. Easements for marks or lights -- Condemnation.**

5 (1) The division and a county, municipality, or airport authority may acquire the right or
6 easement for a term of years or perpetually to place and maintain suitable marks for the daytime,
7 and to place, operate, and maintain suitable lights for the nighttime marking of buildings or other
8 structures or obstructions for the safe operation of aircraft using airports and landing fields
9 acquired or maintained under this [title] chapter.

10 (2) The rights or easements may be acquired by grant, purchase, lease, or condemnation
11 in the same manner provided under Section ~~[2-2-5]~~ 72-10-205 for the acquisition or expansion
12 of airports.

13 Section 295. Section **72-10-211**, which is renumbered from Section 2-2-11 is renumbered
14 and amended to read:

15 ~~[2-2-11].~~ **72-10-211. Police regulations.**

16 The division and a county, municipality, or airport authority acquiring, establishing,
17 developing, operating, maintaining, or controlling airports outside the geographical limits of the
18 subdivisions, under this [title] chapter may amend and enforce police regulations for the airports.

19 Section 296. Section **72-10-212**, which is renumbered from Section 2-2-12 is renumbered
20 and amended to read:

21 ~~[2-2-12].~~ **72-10-212. General provisions of law applicable in condemnation**
22 **proceedings, issuing bonds, and levying taxes.**

23 It is the intent and purpose of this [act] part that all provisions herein relating to the
24 issuance of bonds and the levying of taxes for airport purposes and the condemnation for airports
25 and airport facilities shall be construed in accordance with general provisions of the law of this
26 state governing the right and procedure of municipalities to condemn property, issue bonds, and
27 levy taxes.

28 Section 297. Section **72-10-213**, which is renumbered from Section 2-2-13 is renumbered
29 and amended to read:

30 ~~[2-2-13].~~ **72-10-213. Severability clause.**

31 If any provision of this [act] part or [the] its application [thereof] is held invalid, [such] this

1 invalidity [shall] does not affect provisions or applications of the [act] part which can be given
2 effect without the invalid provision or application, and to this end the provisions of this [act] part
3 are declared to be severable.

4 Section 298. Section **72-10-214**, which is renumbered from Section 2-2-14 is renumbered
5 and amended to read:

6 ~~[2-2-14].~~ **72-10-214. Construction of chapter.**

7 This [act] part shall be so interpreted and construed as to effectuate the general purpose of
8 those states which enact it.

9 Section 299. Section **72-10-301**, which is renumbered from Section 2-3-1 is renumbered
10 and amended to read:

11 **Part 3. Federal Airport Funds Act**

12 ~~[2-3-1].~~ **72-10-301. Definitions.**

13 As used in this [chapter] part:

14 (1) "Airport" means any area of land or water which is used, or intended for use[;] for the
15 landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use,
16 for aircraft buildings or other airport facilities or rights of way, together with all airport buildings
17 and facilities located [~~thereon~~] on them.

18 (2) "Air navigation facility" means any facility -- other than one owned and operated by
19 the United States -- used in, available for use in, or designed for use in aid of air navigation,
20 including any structures, mechanisms, lights, beacons, markers, communicating systems, or other
21 instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience,
22 to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or
23 maintenance of an airport, and any combination of any or all of [~~such~~] the facilities.

24 (3) "Airport hazard" means any structure, object of natural growth, or use of land which
25 obstructs the air space required for the flight of aircraft in landing or taking-off at an airport or is
26 otherwise hazardous to [~~such~~] the landing or taking-off of aircraft.

27 (4) "Municipality" means any county, city, town, or political subdivision of this state.

28 (5) "Person" means any individual, firm, partnership, corporation, company, association,
29 joint stock association, or body politic[;] and includes any trustee, receiver, assignee, or other
30 similar representation thereof.

31 (6) "Public agency" means the United States government or [~~an agency thereof;~~] any of

1 its agencies, a state or [~~an agency thereof;~~] its agencies, a municipality or other political
2 subdivision[;], or a tax-supported organization.

3 Section 300. Section **72-10-302**, which is renumbered from Section 2-3-2 is renumbered
4 and amended to read:

5 ~~[2-3-2].~~ **72-10-302. Purpose and policy of chapter.**

6 It is declared that the purpose of this [act] part is to further the public interest in
7 aeronautical progress:

8 (1) by authorizing public agencies of this state to accept, channel, and disburse federal,
9 state, and other funds for the planning, acquisition, construction, maintenance, operation, and
10 regulation of airports and air navigation facilities;

11 (2) by granting to a state agency [such] the powers and imposing upon it [such] the duties
12 that the state may obtain the full benefit of financial assistance made available by the federal
13 government, as well as assistance from other sources;

14 (3) by providing authority that may be exercised by a public agency independently or
15 jointly with other public agencies, [~~thereby~~] and enabling two or more cities, towns, counties, and
16 other political subdivisions jointly to establish, acquire, develop, and operate an airport or airports
17 for their joint or common use.

18 Section 301. Section **72-10-303**, which is renumbered from Section 2-3-3 is renumbered
19 and amended to read:

20 ~~[2-3-3].~~ **72-10-303. Submission of requests for aid -- Approval by division --**
21 **Receipt and disbursement of funds.**

22 (1) The state, a county, municipality, or airport authority may not submit to any federal
23 agency or department of the United States any requests for aid under any act of congress that
24 provides funds for airports or commercial airport construction, development, expansion, or
25 improvements, unless the project and the requests for aid have been first approved by the division.

26 (2) The state, a county, municipality, or airport authority may not directly accept, receive,
27 receipt for, or disburse any funds granted by the United States under the act, but it shall designate
28 the division as its agent and in its behalf to accept, receive, receipt for, and disburse the funds.

29 (3) The state, a county, municipality, or airport authority shall enter into an agreement with
30 the division, prescribing the terms and conditions of the agency in accordance with federal laws,
31 rules, and regulations and applicable laws of this state.

1 (4) Moneys paid by the United States government shall be retained by the state or paid to
2 a county, municipality, or airport authority under terms and conditions imposed by the United
3 States government in making the grant.

4 Section 302. Section **72-10-304**, which is renumbered from Section 2-3-5 is renumbered
5 and amended to read:

6 ~~[2-3-5].~~ **72-10-304. Powers and duties of division.**

7 (1) The division may make available its engineering and other technical services, with or
8 without charge, to the state, a county, municipality, or airport authority or person desiring them
9 in connection with the planning, acquisition, construction, improvement, maintenance, or operation
10 of airports or air navigation facilities.

11 (2) (a) The division may render financial assistance by grant, loan, or both, to any county,
12 municipality, or airport authority, in the planning, acquisition, construction, improvement,
13 maintenance, or operation of an airport owned or controlled, or to be owned or controlled by the
14 county, municipality, or airport authority, out of appropriations made by the Legislature for these
15 purposes.

16 (b) Financial assistance may be furnished in connection with federal or other financial aid
17 for the same purposes.

18 (3) (a) The division may use the facilities and services of other state agencies and of the
19 counties and municipalities to the utmost extent possible.

20 (b) The state agencies, counties, and municipalities shall make available their facilities and
21 services.

22 (4) All powers granted to any county, municipality, or airport authority by this chapter
23 may be exercised jointly with any county, municipality, or airport authority, and jointly with any
24 state agency or the United States if the laws of the other state or of the United States permit the
25 joint exercise.

26 Section 303. Section **72-10-305**, which is renumbered from Section 2-3-6 is renumbered
27 and amended to read:

28 ~~[2-3-6].~~ **72-10-305. Mutual assistance -- Gifts, leases, and loans.**

29 (1) If any public agency determines that the public interest and the interest of the public
30 agency will be served by assisting any other public agency in exercising the powers and authority
31 granted by this [act] part, [such] the public agency may furnish assistance by gift of real or

1 personal property or money or lease or loan [thereof] with or without charge or interest.

2 (2) In appropriating [such] the property or money and providing for [such] the assistance
3 by taxation, the issuance of bonds, or other means, the public agency may exercise all of its powers
4 as though used for its own direct purposes as provided in this [act] part.

5 Section 304. Section **72-10-306**, which is renumbered from Section 2-3-7 is renumbered
6 and amended to read:

7 **[2-3-7]. 72-10-306. Contractual powers of public agencies.**

8 A public agency may enter into any contracts necessary to the execution of the powers
9 granted it, and for the purposes provided by this [act] part.

10 Section 305. Section **72-10-307**, which is renumbered from Section 2-3-8 is renumbered
11 and amended to read:

12 **[2-3-8]. 72-10-307. Powers of governing bodies.**

13 The governing body of any public agency having power to appropriate and raise money
14 is authorized to appropriate, and to raise by taxation or otherwise, sufficient moneys to carry out
15 the provisions and purposes of this [act] part.

16 Section 306. Section **72-10-308**, which is renumbered from Section 2-3-9 is renumbered
17 and amended to read:

18 **[2-3-9]. 72-10-308. Construction of chapter.**

19 This [act] part shall be so interpreted and construed as to make uniform so far as possible
20 the laws and regulations of this state and other states and of the government of the United States
21 having to do with the subject of public airports.

22 Section 307. Section **72-10-309**, which is renumbered from Section 2-3-10 is renumbered
23 and amended to read:

24 **[2-3-10]. 72-10-309. Severability clause.**

25 If any provision of this [act] part or [the] its application [thereof] to any person or
26 circumstance shall be held invalid, [such] this invalidity [shall] does not affect the provisions or
27 applications of this [act] part which can be given effect without the invalid provision or
28 application, and to this end the provisions of this [act] part are declared to be severable.

29 Section 308. Section **72-10-401**, which is renumbered from Section 2-4-1 is renumbered
30 and amended to read:

31 **Part 4. Airport Zoning Act**

1 ~~[2-4-1].~~ **72-10-401. Definitions.**

2 As used in this [act] part, unless the context otherwise requires:

3 (1) "Airport" means any area of land or water designed and set aside for the landing and
4 taking-off of aircraft and utilized or to be utilized in the interest of the public for [such] these
5 purposes.

6 (2) "Airport hazard" means any structure or tree or use of land which obstructs the airspace
7 required for the flight of aircraft in landing or taking-off at an airport or is otherwise hazardous to
8 [such] the landing or taking-off of aircraft.

9 (3) "Airport hazard area" means any area of land or water upon which an airport hazard
10 might be established if not prevented as provided in this [act] part.

11 (4) "Political subdivision" means any municipality, city, town, or county.

12 (5) "Structure" means any object constructed or installed by man, including~~[-, but without~~
13 ~~limitation;]~~ buildings, towers, smokestacks, and overhead transmission lines.

14 (6) "Tree" means any object of natural growth.

15 Section 309. Section **72-10-402**, which is renumbered from Section 2-4-2 is renumbered
16 and amended to read:

17 ~~[2-4-2].~~ **72-10-402. Declaration with respect to airport hazards.**

18 ~~[It is hereby found]~~ The Legislature finds that:

19 (1) an airport hazard endangers the lives and property of users of the airport and of
20 occupants of land in its vicinity~~[-, and also, if of the];~~

21 (2) an obstruction of the type~~[-, in effect]~~ that reduces the size of the area available for the
22 landing, taking-off, and maneuvering of aircraft~~[-, thus tending]~~ tends to destroy or impair the
23 utility of the airport and the public investment ~~[therein. Accordingly, it is hereby declared (a) that]~~
24 in the airport;

25 (3) the creation or establishment of an airport hazard is a public nuisance and an injury to
26 the community served by the airport in question; ~~[(b) that]~~

27 (4) it is ~~[therefore]~~ necessary in the interest of the public health, public safety, and general
28 welfare that the creation or establishment of airport hazards be prevented; ~~[and (c) that]~~

29 (5) this should be accomplished, to the extent legally possible, by exercise of the police
30 power, without compensation~~[-, It is further declared that];~~ and

31 (6) both the prevention of the creation or establishment of airport hazards and the

1 elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are
2 public purposes for which political subdivisions may raise and expend public funds and acquire
3 land or property interests [~~therein~~] in land.

4 Section 310. Section **72-10-403**, which is renumbered from Section 2-4-3 is renumbered
5 and amended to read:

6 ~~[2-4-3]~~. **72-10-403. Airport zoning regulations -- Joint airport zoning board --**
7 **Powers of board -- Membership.**

8 (1) (a) In order to prevent the creation or establishment of airport hazards, every political
9 subdivision having an airport hazard area within its territorial limits may adopt, administer, and
10 enforce, under the police power and in the manner and upon the conditions [~~hereinafter~~] prescribed
11 in this part, airport zoning regulations for [~~such~~] the airport hazard area[~~, which~~].

12 (b) The regulations may divide [~~such~~] the area into zones, and, within [~~such~~] the zones,
13 specify the land uses permitted and regulate and restrict the height to which structures and trees
14 may be erected or allowed to grow.

15 (2) [~~Where~~] (a) If an airport is owned or controlled by a political subdivision and any
16 airport hazard area appertaining to [~~such~~] the airport is located outside the territorial limits of [~~said~~]
17 the political subdivision, the political subdivision owning or controlling the airport and the
18 political subdivision within which the airport hazard area is located may, by ordinance or
19 resolution duly adopted, create a joint airport zoning board[~~, which~~].

20 (b) The board shall have the same power to adopt, administer, and enforce airport zoning
21 regulations applicable to the airport hazard area in question as that vested by Subsection (1) in the
22 political subdivision within which [~~such~~] the area is located.

23 (c) Each [~~such~~] joint board shall have as members two representatives appointed by each
24 political subdivision participating in its creation and in addition a [~~chairman~~] chair elected by a
25 majority of the [~~members so~~] appointed members.

26 Section 311. Section **72-10-404**, which is renumbered from Section 2-4-4 is renumbered
27 and amended to read:

28 ~~[2-4-4]~~. **72-10-404. Zoning ordinances -- Governing law in event of conflict.**

29 (1) In the event that a political subdivision has adopted[~~,~~] or [~~hereafter~~] adopts[~~,~~] a
30 comprehensive zoning ordinance regulating[~~, among other things,~~] the height of buildings, any
31 airport zoning regulations applicable to the same area or a portion [~~thereof~~] of the area may be

1 incorporated in and made a part of [such] comprehensive zoning regulations, and be administered
2 and enforced in connection [therewith] with the comprehensive zoning regulations.

3 (2) In the event of conflict between any airport zoning regulations adopted under this [act]
4 part and any other regulations applicable to the same area, whether the conflict be with respect to
5 the height of structures or trees, the use of land, or any other matter, and whether [such] the other
6 regulations were adopted by the political subdivision which adopted the airport zoning regulations
7 or by some other political subdivision, the more stringent limitation or requirement shall govern
8 and prevail.

9 Section 312. Section **72-10-405**, which is renumbered from Section 2-4-5 is renumbered
10 and amended to read:

11 ~~[2-4-5].~~ **72-10-405. Airport zoning regulations -- Adoption and amendment --**
12 **Airport zoning commission -- Powers and duties.**

13 (1) ~~[No]~~ (a) An airport zoning regulation [shall] may not be adopted, amended, or changed
14 under this [act] part except by action of the legislative body of the political subdivision in question,
15 or the joint board provided for in Subsection ~~[2-4-3]~~ 72-10-403(2), after a public hearing [in
16 relation thereto,] at which parties in interest and citizens shall have an opportunity to be heard.

17 (b) At least 15 days' notice of the hearing shall be published in an official paper, or a paper
18 of general circulation, in the political subdivision or subdivisions in which is located the airport
19 hazard area to be zoned.

20 (2) (a) Prior to the initial zoning of any airport hazard area under this [act] part, the
21 political subdivision or joint airport zoning board which is to adopt the regulations shall appoint
22 a commission, to be known as the airport zoning commission, to recommend the boundaries of the
23 various zones to be established and the regulations to be adopted [therefor]. [Such]

24 (b) The commission shall make a preliminary report and hold public hearings [thereon]
25 before submitting its final report, and the legislative body of the political subdivision or the joint
26 airport zoning board [shall] may not hold its public hearings or take other action until it has
27 received the final report of [such] the commission. [Where]

28 (c) If a comprehensive zoning commission already exists, it may be appointed as the
29 airport zoning commission.

30 Section 313. Section **72-10-406**, which is renumbered from Section 2-4-6 is renumbered
31 and amended to read:

1 ~~[2-4-6].~~ **72-10-406. Airport zoning regulations -- Validity, limitations, and**
 2 **restrictions.**

3 (1) (a) All airport zoning regulations adopted under this [act] part shall be reasonable and
 4 none shall impose any requirement or restriction which is not reasonably necessary to effectuate
 5 the purposes of this [act] part.

6 (b) In determining what regulations it may adopt, each political subdivision and joint
 7 airport zoning board shall consider~~[-among other things,]~~ the character of the flying operations
 8 expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the
 9 character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

10 (2) ~~[No]~~ Any airport zoning regulations adopted under this [act ~~shall~~] part may not require
 11 the removal, lowering, or other change or alteration of any structure or tree not conforming to the
 12 regulations when adopted or amended, or otherwise interfere with the continuance of any
 13 nonconforming use, except as provided in Subsection ~~[2-4-7]~~ 72-10-407(3).

14 Section 314. Section **72-10-407**, which is renumbered from Section 2-4-7 is renumbered
 15 and amended to read:

16 ~~[2-4-7].~~ **72-10-407. Permit for new or changed structures or uses --**
 17 **Nonconforming structures -- Airport hazards -- Application to board of adjustment for**
 18 **variance -- Allowance of variance -- Conditioning permit or variance.**

19 (1) (a) Any airport zoning regulations adopted under this [act] part may require that a
 20 permit be obtained before any new structure or use may be constructed or established and before
 21 any existing use or structure may be substantially changed or substantially altered or repaired. ~~[In~~
 22 ~~any event, however, all such]~~

23 (b) All regulations shall provide that before any nonconforming structure or tree may be
 24 replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit
 25 ~~[must]~~ shall be secured from the administrative agency authorized to administer and enforce the
 26 regulations, authorizing ~~[such]~~ the replacement, change, or repair. ~~[No]~~

27 (c) A permit ~~[shall]~~ may not be granted that ~~[would allow]~~ allows the establishment or
 28 creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to
 29 be made or become higher or become a greater hazard to air navigation than it was when the
 30 applicable regulation was adopted or ~~[than it is]~~ when the application for a permit is made.

31 (d) Except as provided ~~[herein]~~ in this Subsection (1), all applications for permits shall be

1 granted.

2 (2) (a) Any person desiring to erect any structure, or increase the height of any structure,
3 or permit the growth of any tree, or otherwise use [his] the person's property in violation of airport
4 zoning regulations adopted under this [act] part, may apply to the board of adjustment for a
5 variance from the zoning regulations in question. [Such]

6 (b) A variance shall be allowed where a literal application or enforcement of the
7 regulations would result in practical difficulty or unnecessary hardship and the relief granted
8 would not be contrary to the public interest but do substantial justice and be in accordance with
9 the spirit of the regulations and this [act; provided, that any] part.

10 (c) Any variance may be allowed subject to any reasonable conditions that the board of
11 adjustment may deem necessary to effectuate the purposes of this [act] part.

12 (3) In granting any permit or variance under this section, the administrative agency or
13 board of adjustment may, if it [~~deems such~~] considers the action advisable to effectuate the
14 purposes of this [act] part and reasonable in the circumstances, so condition [such] a permit or
15 variance as to require the owner of the structure or tree in question to permit the political
16 subdivision, at its own expense, to install, operate, and maintain thereon [such] markers and lights
17 as may be necessary to indicate to flyers the presence of an airport hazard.

18 Section 315. Section **72-10-408**, which is renumbered from Section 2-4-8 is renumbered
19 and amended to read:

20 ~~[2-4-8]~~. **72-10-408. Appeals to board of adjustment -- Procedure -- Stay of**
21 **proceedings -- Hearing and judgment.**

22 (1) Any person aggrieved, or taxpayer affected, by any decision of any administrative
23 agency made in its administration of airport zoning regulations adopted under this [act] part, or any
24 governing body of a political subdivision, or any joint airport zoning board, which is of the opinion
25 that a decision of [such] an administrative agency is an improper application of airport zoning
26 regulations of concern to [such] the governing body or board, may appeal to the board of
27 adjustment authorized to hear and decide appeals from the decisions of [such] the administrative
28 agency.

29 (2) (a) All appeals taken under this section [must] shall be taken within a reasonable time,
30 as provided by the rules of the board, by filing with the agency from which the appeal is taken and
31 with the board, a notice of appeal specifying the grounds [~~thereof~~] of the appeal.

1 (b) The agency from which the appeal is taken shall [forthwith] transmit to the board all
2 the papers constituting the record upon which the action appealed from was taken.

3 (3) (a) An appeal shall stay all proceedings in furtherance of the action appealed from,
4 unless the agency from which the appeal is taken certifies to the board, after the notice of appeal
5 has been filed with it, that by reason of the facts stated in the certificate a stay would, in its
6 opinion, cause imminent peril to life or property.

7 (b) In [such] these cases, proceedings shall not be stayed otherwise than by order of the
8 board on notice to the agency from which the appeal is taken and on due cause shown.

9 (4) (a) The board shall fix a reasonable time for the hearing of appeals, give public notice
10 and due notice to the parties in interest, and decide the [same] appeal within a reasonable time.

11 (b) Upon the hearing any party may appear in person or by agent or by attorney.

12 (5) The board may, in conformity with the provisions of this [act] part, reverse or affirm
13 wholly or partly, or modify, the order, requirement, decision, or determination appealed from and
14 may make [such] an order, requirement, decision, or determination as ought to be made, and to that
15 end shall have all the powers of the administrative agency from which the appeal is taken.

16 Section 316. Section **72-10-409**, which is renumbered from Section 2-4-9 is renumbered
17 and amended to read:

18 ~~[2-4-9].~~ **72-10-409. Airport zoning regulations -- Administration and**
19 **enforcement.**

20 (1) (a) All airport zoning regulations adopted under this [act] part shall provide for the
21 administration and enforcement of [such] the regulations by an administrative agency which may
22 be an agency created by [such] the regulations or any official, board, or other existing agency of
23 the political subdivision adopting the regulations or of one of the political subdivisions which
24 participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory
25 to that political subdivision [~~but in no case shall such~~].

26 (b) The administrative agency may not be or include any member of the board of
27 adjustment.

28 (2) The duties of any administrative agency designated pursuant to this [act] part shall
29 include that of hearing and deciding all permits under Subsection [~~2-4-7~~] 72-10-407(1), but [such]
30 the agency [~~shall~~] may not have or exercise any of the powers [~~herein~~] delegated to the board of
31 adjustment.

1 Section 317. Section **72-10-410**, which is renumbered from Section 2-4-10 is renumbered
2 and amended to read:

3 ~~[2-4-10]~~. **72-10-410. Board of adjustment -- Powers -- Appointment and**
4 **membership of board -- Hearings and decisions by board -- Meetings -- Adoption of rules.**

5 (1) All airport zoning regulations adopted under this [act] part shall provide for a board of
6 adjustment to have and exercise the following powers:

7 (a) to hear and decide appeals from any order, requirement, decision, or determination
8 made by the administrative agency in the enforcement of the airport zoning regulations, as
9 provided in Section ~~[2-4-8]~~ 72-10-408;

10 (b) to hear and decide any special exceptions to the terms of the airport zoning regulations
11 upon which [such] the board may be required to pass under [such] the regulations;

12 (c) to hear and decide specific variances under Subsection ~~[2-4-7]~~ 72-10-407(2).

13 (2) ~~[Where]~~ (a) If a zoning board of appeals or adjustment already exists, it may be
14 appointed as the board of adjustment.

15 (b) Otherwise, the board of adjustment shall consist of five members, each to be appointed
16 for a term of three years, by the authority adopting the regulations and to be removable by the
17 appointing authority for cause, upon written charges and after public hearing.

18 (3) The concurring vote of a majority of the members of the board of adjustment shall be
19 sufficient to reverse any order, requirement, decision, or determination of the administrative
20 agency, or to decide in favor of the applicant on any matter upon which it is required to pass under
21 the airport zoning regulations, or to effect any variation in [such] the regulations.

22 (4) (a) The board shall adopt rules in accordance with the provisions of the ordinance or
23 resolution by which it was created.

24 (b) Meetings of the board shall be held at the call of the [chairman] chair and at [such]
25 other times as the board may determine.

26 (c) The [chairman] chair, or in [his] the chair's absence, the acting [chairman] chair, may
27 administer oaths and compel the attendance of witnesses.

28 (d) All hearings of the board shall be public.

29 (e) The board shall keep minutes of its proceedings, showing the vote of each member
30 upon each question, or, if absent or failing to vote, indicating [such] the fact, and shall keep
31 records of its examinations and other official actions, all of which shall immediately be filed in the

1 office of the board and shall be a public record.

2 Section 318. Section **72-10-411**, which is renumbered from Section 2-4-11 is renumbered
3 and amended to read:

4 ~~[2-4-11]~~. **72-10-411. Appeals to district courts -- Procedure -- Findings,**
5 **judgment, and costs -- Regulations invalid as to one structure or parcel of land.**

6 (1) (a) Any person aggrieved, or taxpayer affected, by any decision of a board of
7 adjustment, or any governing body of a political subdivision or any joint airport zoning board,
8 which is of the opinion that a decision of a board of adjustment is illegal, may present to the
9 district court a verified petition setting forth that the decision is illegal, in whole or in part, and
10 specifying the grounds of the illegality. [Such]

11 (b) The petition shall be presented to the court within 30 days after the decision is filed
12 in the office of the board.

13 (2) (a) Upon presentation of [such] the petition the court may allow a writ of certiorari
14 directed to the board of adjustment to review [such] the decision of the board.

15 (b) The allowance of the writ [shall] may not stay proceedings upon the decision appealed
16 from, but the court may, on application, on notice to the board and on due cause shown, grant a
17 restraining order.

18 (3) (a) The board of adjustment [shall] may not be required to return the original papers
19 acted upon by it, but it shall be sufficient to return certified or sworn copies [thereof] of the papers
20 or of [such] any portions [thereof] as may be called for by the writ.

21 (b) The return shall concisely set forth [such] any other facts as may be pertinent and
22 material to show the grounds of the decision appealed from and shall be verified.

23 (4) (a) The court shall have exclusive jurisdiction to affirm, modify, or set aside the
24 decision brought up for review, in whole or in part, and if [need be] necessary, to order further
25 proceedings by the board of adjustment.

26 (b) The findings of fact of the board shall be considered by the court unless [such] an
27 objection shall have been urged before the board, or, if it was not so urged, unless there were
28 reasonable grounds for failure to do so.

29 (5) Costs [shall] may not be allowed against the board of adjustment unless it appears to
30 the court that it acted with gross negligence, in bad faith, or with malice, in making the decision
31 appealed from.

1 (6) In any case in which airport zoning regulations adopted under this [act] part, although
 2 generally reasonable, are held by a court to interfere with the use or enjoyment of a particular
 3 structure or parcel of land to [such] an extent, or to be so onerous in their application to [such] a
 4 structure or parcel of land, as to constitute a taking or deprivation of that property in violation of
 5 the Constitution of this state or the Constitution of the United States, [such] the holding shall not
 6 affect the application of [such] the regulations to other structures and parcels of land.

7 Section 319. Section **72-10-412**, which is renumbered from Section 2-4-12 is renumbered
 8 and amended to read:

9 ~~[2-4-12].~~ **72-10-412. Violations of chapter or rulings -- Misdemeanor -- Remedies**
 10 **of political subdivisions.**

11 (1) Each violation of this [act] part or of any regulations, orders, or rulings promulgated
 12 or made pursuant to this [act] part, shall constitute a misdemeanor. ~~[In addition, the]~~

13 (2) (a) A political subdivision or agency adopting zoning regulations under this [act] part
 14 may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate
 15 any violation of this [act] part, or of airport zoning regulations adopted under this [act] part, or of
 16 any order or ruling made in connection with their administration or enforcement~~[, and the]~~.

17 (b) The court shall adjudge to the plaintiff [such] the relief, by way of injunction or
 18 otherwise, as may be proper under all the facts and circumstances of the case, in order fully to
 19 effectuate the purposes of this [act] part and of the regulations adopted and orders and rulings
 20 made pursuant ~~[thereto]~~ to them.

21 Section 320. Section **72-10-413**, which is renumbered from Section 2-4-13 is renumbered
 22 and amended to read:

23 ~~[2-4-13].~~ **72-10-413. Purchase or condemnation of air rights or navigation**
 24 **easements.**

25 ~~[In any case which: (1) it is desired to remove, lower, or otherwise terminate a~~
 26 ~~nonconforming structure or use; or (2) the approach protection necessary cannot, because of~~
 27 ~~constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears~~
 28 ~~advisable that the necessary approach protection be provided by acquisition of property rights~~
 29 ~~rather than by airport zoning regulations, the]~~ A political subdivision within which the property
 30 or nonconforming use is located or the political subdivision owning the airport or served by it may
 31 acquire, by purchase, grant, or condemnation in the manner provided by the law under which

1 political subdivisions are authorized to acquire real property for public purposes, [such] an air
2 right, navigation easement, or other estate or interest in the property or nonconforming structure
3 or use in question [as may be necessary to effectuate the purposes of this act.] if:

4 (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use;

5 (2) the approach protection necessary cannot, because of constitutional limitations, be
6 provided by airport zoning regulations under this part; or

7 (3) it appears advisable that the necessary approach protection be provided by acquisition
8 of property rights rather than by airport zoning regulations.

9 Section 321. Section **72-10-414**, which is renumbered from Section 2-4-16 is renumbered
10 and amended to read:

11 ~~[2-4-16].~~ **72-10-414. Exchange of private property near federal airports.**

12 (1) If any governmental entity or agency adopts any measure which infringes upon the use
13 of privately owned property, or which is designed to assure development compatible with the
14 continued operation of a federal airport, the owner of that private property, if the owner has
15 continuously owned the land from the date of the measure and whose land is wholly or partially
16 within the area directly affected by the measure, may request an exchange of the affected land for
17 state land outside the affected area.

18 (2) (a) Upon a request pursuant to Subsection (1), the Board of State Lands, without cost
19 to the affected landowner, shall appraise the subject land taking into consideration the fair market
20 value of any and all improvements, and may offer a land exchange at the earliest practicable time.

21 (b) The state may identify at least one, and may identify up to three parcels of state land
22 of a substantially equal value to the land requested to be exchanged, and which can otherwise be
23 exchanged in a manner which will not prejudice the interest of the state and which will not be
24 inconsistent with proper management, control, protection, and use of state land.

25 (c) The state may provide for the use of qualified appraisers to expedite the process of the
26 request.

27 Section 322. Section **72-10-415**, which is renumbered from Section 2-4-14 is renumbered
28 and amended to read:

29 ~~[2-4-14].~~ **72-10-415. Severability clause.**

30 If any provision of this [act] part or [~~the~~] its application [~~thereof~~] to any person or
31 circumstances is held invalid, [~~such~~] this invalidity [~~shall~~] does not affect the provisions or

1 applications of the [act] part which can be given effect without the invalid provision or application,
2 and to this end the provisions of this [act] part are declared to be severable.

3 Section 323. Section **72-10-501**, which is renumbered from Section 2-6-101 is renumbered
4 and amended to read:

5 **Part 5. Flying While Intoxicated**

6 ~~[2-6-101].~~ **72-10-501. Flying under the influence of alcohol, drugs, or with**
7 **specified or unsafe blood alcohol concentration -- Measurement of blood or breath alcohol**
8 **-- Criminal punishment -- Arrest without warrant.**

9 (1) (a) A person may not operate or be in actual physical control of an aircraft within this
10 state if the person:

11 (i) has a blood or breath alcohol concentration of .04 grams or greater as shown by a
12 chemical test given within two hours after the alleged operation or physical control; or

13 (ii) is under the influence of alcohol, any drug, or the combined influence of alcohol and
14 any drug to a degree that renders the person incapable of safely operating an aircraft.

15 (b) The fact that a person charged with violating this section is or has been legally entitled
16 to use alcohol or a drug is not a defense against any charge of violating this section.

17 (2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100
18 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol
19 per 210 liters of breath.

20 (3) (a) A person convicted of a violation of Subsection (1) is guilty of a:

21 (i) class B misdemeanor; or

22 (ii) class A misdemeanor if the person has also inflicted bodily injury upon another as a
23 proximate result of having operated the aircraft in a negligent manner.

24 (b) In this section, the standard of negligence is that of simple negligence, the failure to
25 exercise that degree of care that an ordinarily reasonable and prudent person exercises under like
26 or similar circumstances.

27 (4) A peace officer may, without a warrant, arrest a person for a violation of this section
28 when the officer has probable cause to believe:

29 (a) the violation has occurred, although not in [his] the officer's presence; and

30 (b) the violation was committed by that person.

31 Section 324. Section **72-10-502**, which is renumbered from Section 2-6-102 is renumbered

1 and amended to read:

2 ~~[2-6-102].~~ **72-10-502. Implied consent to chemical tests for alcohol or drugs --**
3 **Number of tests -- Refusal -- Person incapable of refusal -- Results of test available -- Who**
4 **may give test -- Evidence.**

5 (1) (a) A person operating an aircraft in this state consents to a chemical test or tests of his
6 breath, blood, or urine:

7 (i) for the purpose of determining whether [he] the person was operating or in actual
8 physical control of an aircraft while having a blood or breath alcohol content statutorily prohibited
9 under Section ~~[2-6-101]~~ 72-10-501, or while under the influence of alcohol, any drug, or
10 combination of alcohol and any drug under Section ~~[2-6-101]~~ 72-10-501, if the test is or tests are
11 administered at the direction of a peace officer having grounds to believe that person to have been
12 operating or in actual physical control of an aircraft in violation of Section ~~[2-6-101]~~ 72-10-501;
13 or

14 (ii) if the person operating the aircraft is involved in an accident that results in death,
15 serious injury, or substantial aircraft damage.

16 (b) (i) The peace officer determines which of the tests are administered and how many of
17 them are administered.

18 (ii) The peace officer may order any or all tests of the person's breath, blood, or urine.

19 (iii) If an officer requests more than one test, refusal by a person to take one or more
20 requested tests, even though [he] the person does submit to any other requested test or tests, is a
21 refusal under this section.

22 (c) (i) A person who has been requested under this section to submit to a chemical test or
23 tests of [his] the person's breath, blood, or urine may not select the test or tests to be administered.

24 (ii) The failure or inability of a peace officer to arrange for any specific chemical test is
25 not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal,
26 civil, or administrative proceeding resulting from a person's refusal to submit to the requested test
27 or tests.

28 (2) (a) If the person has been placed under arrest and has then been requested by a peace
29 officer to submit to any one or more of the chemical tests provided in Subsection (1) and refuses
30 to submit to any chemical test, the person shall be warned by the peace officer requesting the test
31 that a refusal to submit to the test is admissible in civil or criminal proceedings as provided under

1 Subsection (8).

2 (b) Following this warning, unless the person immediately requests that the chemical test
3 offered by a peace officer be administered, a test may not be given.

4 (3) Any person who is dead, unconscious, or in any other condition rendering [him] the
5 person incapable of refusal to submit to any chemical test or tests is considered to not have
6 withdrawn the consent provided for in Subsection (1), and the test or tests may be administered
7 whether the person has been arrested or not.

8 (4) Upon the request of the person who was tested, the results of the test or tests shall be
9 made available to him.

10 (5) (a) Only a physician, registered nurse, practical nurse, or person authorized under
11 Section 26-1-30 to draw blood under Section 41-6-44.10, acting at the request of a peace officer,
12 may withdraw blood to determine the alcohol or drug content. This limitation does not apply to
13 the taking of a urine or breath specimen.

14 (b) Any physician, registered nurse, practical nurse, or person authorized under Section
15 26-1-30 to draw blood under Section 41-6-44.10 who, at the direction of a peace officer, draws a
16 sample of blood from any person whom a peace officer has reason to believe is flying in violation
17 of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any
18 civil or criminal liability arising from drawing the sample, if the test is administered according to
19 standard medical practice.

20 (6) (a) The person to be tested may, at [his] the person's own expense, have a physician
21 of [his] the person's own choice administer a chemical test in addition to the test or tests
22 administered at the direction of a peace officer.

23 (b) The failure or inability to obtain the additional test does not affect admissibility of the
24 results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or
25 tests to be taken at the direction of a peace officer.

26 (c) The additional test shall be subsequent to the test or tests administered at the direction
27 of a peace officer.

28 (7) For the purpose of determining whether to submit to a chemical test or tests, the person
29 to be tested does not have the right to consult an attorney or have an attorney, physician, or other
30 person present as a condition for the taking of any test.

31 (8) If a person under arrest refuses to submit to a chemical test or tests or any additional

1 test under this section, evidence of any refusal is admissible in any civil or criminal action or
2 proceeding arising out of acts alleged to have been committed while the person was operating or
3 in actual physical control of an aircraft while under the influence of alcohol, any drug, or
4 combination of alcohol and any drug.

5 (9) The results of any test taken under this section or the refusal to be tested shall be
6 reported to the Federal Aviation Administration by the peace officer requesting the test.

7 Section 325. Section **72-10-503**, which is renumbered from Section 2-6-103 is renumbered
8 and amended to read:

9 **[2-6-103]. 72-10-503. Standards for chemical breath analysis -- Evidence.**

10 (1) The commissioner of the Department of Public Safety shall establish standards for the
11 administration and interpretation of chemical analysis of a person's breath, including standards of
12 training.

13 (2) In any action or proceeding in which it is material to prove that a person was operating
14 or in actual physical control of an aircraft while under the influence of alcohol or any drug or
15 operating with a blood or breath alcohol content statutorily prohibited, documents offered as
16 memoranda or records of acts, conditions, or events to prove that the analysis was made and the
17 instrument used was accurate, according to standards established in Subsection (1), are admissible
18 if:

19 (a) the judge finds that they were made in the regular course of the investigation at or
20 about the time of the act, condition, or event; and

21 (b) the source of information from which made and the method and circumstances of their
22 preparation indicate their trustworthiness.

23 (3) If the judge finds that the standards established under Subsection (1) and the conditions
24 of Subsection (2) have been met, there is a presumption that the test results are valid and further
25 foundation for introduction of the evidence is unnecessary.

26 Section 326. Section **72-10-504**, which is renumbered from Section 2-6-104 is renumbered
27 and amended to read:

28 **[2-6-104]. 72-10-504. Admissibility of chemical test results in actions for flying**
29 **under the influence -- Weight of evidence.**

30 (1) (a) In any civil or criminal action or proceeding in which it is material to prove that a
31 person was operating or in actual physical control of an aircraft while under the influence of

1 alcohol, drugs, or with a blood or breath alcohol content statutorily prohibited, the results of a
2 chemical test or tests as authorized in Section ~~[2-6-102]~~ 72-10-502 are admissible as evidence.

3 (b) (i) In a criminal proceeding, noncompliance with Section ~~[2-6-102]~~ 72-10-502 does
4 not render the results of the chemical test inadmissible.

5 (ii) Evidence of a defendant's blood or breath alcohol content or drug content is admissible
6 except when prohibited by Rules of Evidence or the constitution.

7 (2) If the chemical test was taken more than two hours after the alleged flying or actual
8 physical control, the test result is admissible as evidence of the person's blood or breath alcohol
9 level at the time of the alleged operating or actual physical control, but the trier of fact shall
10 determine what weight is given to the result of the test.

11 (3) This section does not prevent a court from receiving otherwise admissible evidence as
12 to a defendant's blood or breath alcohol level or drug level at the time of the alleged operating or
13 actual physical control.

14 Section 327. Section **72-11-101** is enacted to read:

15 **CHAPTER 11. AERIAL TRAMWAY SYSTEMS**

16 **72-11-101. Title.**

17 This chapter is known as the "Aerial Tramway Systems Act."

18 Section 328. Section **72-11-102** is enacted to read:

19 **72-11-102. Definitions.**

20 As used in this chapter, "committee" means the Passenger Tramway Safety Committee.

21 Section 329. Section **72-11-103**, which is renumbered from Section 63-11-22 is
22 renumbered and amended to read:

23 ~~[63-11-22].~~ **72-11-103. Authority of Passenger Tramway Safety Committee --**
24 **Location of system.**

25 (1) The ~~[Passenger Tramway Safety Committee, hereinafter referred to as the]~~ committee~~[,]~~
26 is authorized to acquire, construct, reconstruct, improve or extend, maintain and operate, either
27 directly or through others by contract, lease, concession or otherwise, an aerial tramway system
28 for the transportation of persons and property between a point or points in the:

29 (a) Wasatch Mountain State Park; and ~~[a point or points in the]~~

30 (b) Uintah and Wasatch National Forests in the upper parts of Big Cottonwood, Little
31 Cottonwood and American Fork Canyons in Salt Lake, Utah and Wasatch Counties ~~[in the state]~~

1 of Utah; to].

2 (2) The committee may acquire by purchase, contract, lease, permit, donation or otherwise,
3 and to construct, maintain and operate, either directly or through others, by contract, lease,
4 concession or otherwise, all property, rights of way, approach roads, parking and other areas,
5 structures, facilities and services for the convenience and recreation of patrons of [said] the
6 transportation system and visitors to the Wasatch Mountain State Park [~~which the commission may~~
7 ~~deem necessary or desirable therefor~~].

8 (3) Any [such] contract, lease, concession, or other arrangement may be entered into in
9 [such] a manner and upon [such] the terms and conditions as the committee may [~~deem~~] consider
10 advisable.

11 Section 330. Section **72-11-104**, which is renumbered from Section 63-11-23 is
12 renumbered and amended to read:

13 [~~63-11-23~~]. **72-11-104. Laws applicable to construction contracts and contractor's**
14 **bonds.**

15 (1) [Because of the technicalities involved in the design and construction of the principal
16 facilities contemplated by this act, and only subject to the approval of the division of facilities
17 construction and management in each case, construction] Construction contracts entered into by
18 the committee under the authority of this [act shall] chapter are not [be] subject to the provisions
19 of Sections 64-1-4 and 64-1-5[, and any amendments thereto,] and shall be governed solely by this
20 [act; provided that the] chapter, except they are subject to the approval of the Division of Facilities
21 Construction and Management.

22 (2) The provisions of Title 14, Chapter 1, requiring contractor's bonds are expressly made
23 applicable to any construction contract under this [act] chapter when the amount of [such] the
24 contract exceeds \$1,000.

25 Section 331. Section **72-11-105**, which is renumbered from Section 63-11-24 is
26 renumbered and amended to read:

27 [~~63-11-24~~]. **72-11-105. Authority of committee to accept grants and assistance.**

28 (1) The committee is authorized to co-operate and contract with and accept grants or other
29 assistance from any other agency of the state of Utah and from any department, bureau, agency,
30 instrumentality, office or officer of the United States and from the trustees or administrators of any
31 fund established in the interest of conservation or recreation[;].

1 (2) The grants or other assistance may be used for the acquisition, construction,
2 maintenance, development, and operation of any of the areas, facilities, activities, or services at
3 any time under, or intended to be brought under, the jurisdiction or control of the committee,
4 expressly including those contemplated by the provisions of this [act] chapter.

5 Section 332. Section **72-11-106**, which is renumbered from Section 63-11-25 is
6 renumbered and amended to read:

7 **[63-11-25]. 72-11-106. Revenue bonds authorized.**

8 To raise funds for the acquisition, financing, construction, reconstruction, improvement,
9 or extension of [all-or] any of [the foregoing] those purposes, projects, and facilities, the committee
10 is authorized to issue revenue bonds in amounts bearing a rate or rates of interest not exceeding
11 9% per annum, with maturities, in a form and on terms and conditions as it, with the approval of
12 the director of the Division of Finance, [~~deems~~] considers necessary or convenient.

13 Section 333. Section **72-11-107**, which is renumbered from Section 63-11-26 is
14 renumbered and amended to read:

15 **[63-11-26]. 72-11-107. Payment of interest and principal of revenue bonds --**
16 **Agreements authorized.**

17 The committee may provide by resolution at a duly called regular or special meeting for
18 the payment of the interest and principal of any and all [~~such~~] revenue bonds as may be issued
19 from time to time, and for that purpose may enter into agreements with other parties and may
20 execute documents in a form and substance and on terms and conditions as it, with the approval
21 of the director of the Division of Finance, may from time to time determine.

22 Section 334. Section **72-11-108**, which is renumbered from Section 63-11-27 is
23 renumbered and amended to read:

24 **[63-11-27]. 72-11-108. Revenue bonds not debt or obligation of state or committee.**

25 (1) In any and all revenue bonds issued hereunder and in the resolution or resolutions
26 authorizing [~~the same~~] them, and in the agreements or documents entered into and executed in
27 connection therewith, neither the payment of the principal or interest of any [~~such~~] bond nor the
28 obligation of any [~~such~~] resolution, agreement, or document shall constitute a debt, liability, or
29 obligation of the state [~~of Utah~~] or the committee [~~and~~].

30 (2) Payments are to be paid solely from the revenues received from the operation of the
31 proposed aerial tramway transportation system, visitor care and accommodations, and all services

1 in connection with the Wasatch Mountain State Park, as in the proceedings authorizing the
2 issuance of the bonds, shall be pledged to the payment thereof.

3 (3) All bonds issued under this [act] chapter by the committee shall contain a recital on
4 their face that neither the payment of the principal or any part thereof, nor any interest thereon,
5 constitute a debt, liability, or obligation of the state [of Utah] or the committee.

6 Section 335. Section **72-11-109**, which is renumbered from Section 63-11-28 is
7 renumbered and amended to read:

8 **[63-11-28]. 72-11-109. Revenues from operation to be pledged to payment of bonds**
9 **and used for costs of operation and maintenance.**

10 (1) Any resolution or trust indenture authorizing the issuance of the revenue bonds shall
11 provide that all toll rates and charges and fees imposed for the use of all [such] transportation,
12 visitor care and accommodations, recreational and other facilities and all services, the revenues of
13 which are pledged to the payment of revenue bonds authorized hereunder, shall be at all times
14 fixed in [such] the amounts as will yield sufficient revenues to pay principal of and interest on
15 [said] the bonds, to maintain the necessary reserves in connection therewith and to pay the annual
16 cost of operation and maintenance of any of [such] the facilities~~[, and the]~~.

17 (2) The committee may in [such] the resolution or trust indenture pledge to the payment
18 of the principal of and interest on [said] the revenue bonds all or part of the revenues arising from
19 the operation of all [such] transportation, visitor care and accommodations, recreational and other
20 facilities, and all services operated by the commission in connection with the Wasatch Mountain
21 State Park, whether or not acquired with the proceeds of [said] the revenue bonds, after there shall
22 have been paid from [such] the revenues the annual costs of operation and maintenance of all
23 [such] the facilities, including necessary costs of insurance~~[, and the]~~.

24 (3) The committee may also in [any such] the resolution or trust indenture reserve the right
25 to issue bonds on a parity with the bonds authorized by [said] the resolution or indenture under
26 [such] the terms and conditions as may be provided therein.

27 (4) After and subject to the payment of annual operating and maintenance expenses and
28 insurance costs, the bond redemption and interest payments, including reserves therefor, shall
29 constitute a first lien on all [such] the rates, tolls and charges, and other revenues received from
30 the use and operation of the project or projects for the acquisition and construction of which [such]
31 the revenue bonds were issued, and of any other revenue received from the operation of facilities

1 in connection with the Wasatch Mountain State Park that may be pledged by the committee as
2 security for the payment of [said] the revenue bonds and interest for this project or projects.

3 Section 336. Section **72-11-110**, which is renumbered from Section 63-11-29 is
4 renumbered and amended to read:

5 **[63-11-29]. 72-11-110. Bonds -- Negotiability – Tax exemption except corporate**
6 **franchise tax.**

7 All bonds issued under the provisions of this [act] chapter are negotiable instruments
8 except when registered in the name of a registered owner and all [such] the bonds, and the interest
9 or income therefrom, are exempt from all taxation in the state [~~of Utah~~], except for the corporate
10 franchise tax.

11 Section 337. Section **72-11-111**, which is renumbered from Section 63-11-30 is
12 renumbered and amended to read:

13 **[63-11-30]. 72-11-111. Sale of bonds.**

14 The committee, with the approval of the director of the Division of Finance, may fix the
15 terms and conditions for the sale or other disposition of any authorized issuance of bonds
16 [hereunder] under this chapter and may sell any of the bonds at less than the par or face value, but
17 no bond may be sold at a price below the par or face value of the bond which would result in a sale
18 price yielding to the purchaser an average of more than 9% per annum, payable semiannually
19 according to standard tables of bond values.

20 Section 338. Section **72-11-112**, which is renumbered from Section 63-11-31 is
21 renumbered and amended to read:

22 **[63-11-31]. 72-11-112. Powers and authority of committee.**

23 The committee, its officers, employees, and agents are [hereby] authorized [~~to proceed~~] to
24 carry out the necessary procedures to implement the acquisition and development of an aerial
25 tramway system together with the necessary property, appliances, facilities, rights of way and
26 easements necessary or useful in connection therewith and to do anything not inconsistent with
27 law which they [deem] consider necessary or convenient to carry out the provisions of this [act]
28 chapter, whether or not [such] the authority is expressly given herein.

29 Section 339. Section **72-11-113**, which is renumbered from Section 63-11-32 is
30 renumbered and amended to read:

31 **[63-11-32]. 72-11-113. Refunding of bonds authorized.**

1 Subject to the approval of the director of the Division of Finance, the committee is
2 authorized to refund any revenue bonds that may become due or that may be called with the
3 consent of the holder or holders whenever refunding may be [~~deemed~~] considered necessary or
4 desirable.

5 Section 340. Section **72-12-101** is enacted to read:

6 **CHAPTER 12. TRAVEL REDUCTION**

7 **72-12-101. Title.**

8 This chapter is known as the "Travel Reduction Act."

9 Section 341. Section **72-12-102**, which is renumbered from Section 54-11-1 is renumbered
10 and amended to read:

11 ~~[54-11-1].~~ **72-12-102. Legislative findings and policy.**

12 (1) The Legislature finds that:

13 (a) increasingly heavy commuting burdens on Utah's freeways and major transportation
14 arteries are gradually aggravating driving conditions for all Utah motorists;

15 (b) single-occupant driving is the predominant mode of transportation used by commuters
16 in Utah;

17 (c) single-occupant driving represents the most costly and most excessive use of dwindling
18 petroleum reserves; and

19 (d) rapidly increasing energy costs represent an ever-growing burden on commuters'
20 work-related expenses.

21 (2) The policy of this state is to support and encourage transportation modes and
22 ride-sharing programs that reduce the number of vehicle miles traveled, thereby reducing gasoline
23 consumption and protecting the environment.

24 Section 342. Section **72-12-103**, which is renumbered from Section 54-11-2 is renumbered
25 and amended to read:

26 ~~[54-11-2].~~ **72-12-103. Definitions.**

27 As used in this chapter:

28 (1) "Car-pool" means a mode of transportation in which:

29 (a) six or fewer persons, including the driver, ride together in a motor vehicle;

30 (b) that transportation is incidental to another purpose of the driver; and

31 (c) the vehicle manufacturer's design capacity of any one seat is not exceeded.

1 (2) "Van-pool" means a nonprofit mode of prearranged commuter transportation of a
2 relatively fixed group of seven to 15 persons, including the driver, between home and work, or
3 termini near home and work, in a vehicle the group occupancy of which does not exceed the
4 vehicle manufacturer's design capacity and that:

5 (a) is owned or leased and operated by an individual:

6 (i) who owns only one van-pool vehicle;

7 (ii) whose provision of transportation is incidental to another purpose of the operator;

8 (iii) who does not transport people as a business; and

9 (iv) who accepts money from riders in the vehicle, if at all, only to recover some or all
10 expenses directly related to the transportation, including fuel, maintenance, insurance, and
11 depreciation;

12 (b) is owned or leased by a nonprofit employee organization and used to transport
13 employees between home and work, or termini near home and work to provide incentives to
14 employees to make the commute by a mode other than single occupant motor vehicle, the
15 operating, administration, and reasonable depreciation costs of which are paid, if at all, by the
16 persons using the vehicles; or

17 (c) is owned or leased by an employer, a public agency, or a public transit district, either
18 alone or in cooperation with others to provide incentives to employees to make the commute by
19 a mode other than single occupant motor vehicle, the driver and passengers of which are
20 employees and fees charged, if at all, for which are nonprofit and only to recover operating,
21 maintenance, administration, and reasonable depreciation costs.

22 (3) "Ride-sharing arrangement" means either a car-pool, van-pool, or both.

23 Section 343. Section **72-12-104**, which is renumbered from Section 54-11-4 is renumbered
24 and amended to read:

25 **[54-11-4]. 72-12-104. Ride-sharing arrangements -- Exemption from specified**
26 **laws and rules.**

27 The following laws and rules do not apply to ride-sharing arrangements:

28 (1) laws and rules containing insurance requirements that are specifically applicable to
29 motor carriers or commercial vehicles;

30 (2) laws imposing a higher standard of care on drivers or owners of motor carriers or
31 commercial vehicles than that imposed on drivers or owners of other motor vehicles;

1 (3) laws and rules with equipment requirements and special accident reporting
2 requirements that are specifically applicable to motor carriers or commercial vehicles; and

3 (4) laws imposing a tax on fuel purchased in other states by motor carriers or road user
4 taxes on commercial buses.

5 Section 344. Section **72-12-105**, which is renumbered from Section 54-11-5 is renumbered
6 and amended to read:

7 **[54-11-5]. 72-12-105. Worker compensation inapplicable to injuries in**
8 **ride-sharing.**

9 Section 34A-2-401 providing compensation for workers injured during the course of their
10 employment ~~[shall]~~ does not apply to persons injured while participating in a ride-sharing
11 arrangement between their places of residence and places of employment.

12 Section 345. Section **72-12-106**, which is renumbered from Section 54-11-6 is renumbered
13 and amended to read:

14 **[54-11-6]. 72-12-106. Employer's liability for ride-sharing injuries.**

15 (1) An employer ~~[shall]~~ is not ~~[be]~~ liable for injuries to passengers or other persons or both
16 resulting from the operation or use of a motor vehicle not owned, leased, or contracted for by the
17 employer in a ride-sharing arrangement.

18 (2) An employer ~~[shall]~~ is not ~~[be]~~ liable for injuries to passengers or other persons or both
19 on account of the employer having provided information or incentives or otherwise having
20 encouraged employees to participate in ride-sharing arrangements.

21 Section 346. Section **72-12-107**, which is renumbered from Section 54-11-7 is renumbered
22 and amended to read:

23 **[54-11-7]. 72-12-107. Benefits of ride-sharing driver not taxable income.**

24 Money and other benefits, other than salary, received by a driver in a ride-sharing
25 arrangement ~~[shall]~~ does not constitute income for the purpose of computing gross income under
26 Title 59, Chapter 10.

27 Section 347. Section **72-12-108**, which is renumbered from Section 54-11-8 is renumbered
28 and amended to read:

29 **[54-11-8]. 72-12-108. Local taxation and licensing.**

30 ~~[No]~~ A county~~[-city, town,]~~ or ~~[other municipal corporation]~~ municipality may not impose
31 a tax on, or require a license for, a ride-sharing arrangement.

1 Section 348. Section **72-12-109**, which is renumbered from Section 54-11-9 is renumbered
2 and amended to read:

3 **[54-11-9]. 72-12-109. Wage and hour regulations unaffected by ride-sharing.**

4 The fact that an employee participates in any kind of ride-sharing arrangement [~~shall~~] does
5 not[~~, without more, result in~~] effect the application of any laws requiring payment of a minimum
6 wage or overtime pay or otherwise regulating the hours a person may work.

7 Section 349. Section **72-12-110**, which is renumbered from Section 54-11-10 is
8 renumbered and amended to read:

9 **[54-11-10]. 72-12-110. Vehicles used and drivers excluded from definitions for**
10 **regulatory purposes.**

11 (1) A motor vehicle used in a ride-sharing arrangement is not a bus or commercial vehicle
12 under:

13 (a) Title 41, Chapter 6, Traffic Rules and Regulations, relating to equipment requirements
14 and rules of the road; and

15 (b) Title 41, Chapter 1a, Motor Vehicle Act, relating to registration.

16 (2) The driver of a vehicle used in a ride-sharing arrangement is not a chauffeur and he is
17 not transporting persons for compensation under the driver licensing provisions of Title 53,
18 Chapter 3, Uniform Driver License Act.

19 Section 350. Section **77-1a-4** is amended to read:

20 **77-1a-4. Special function officers.**

21 (1) (a) "Special function officers" means persons performing specialized investigations,
22 service of legal process, or security functions.

23 (b) "Special function officers" include state military police, constables, port-of-entry
24 agents as defined in Section [~~27-12-2~~] 72-1-102, authorized employees or agents of the
25 Department of Transportation assigned to administer and enforce the provisions of Title [~~27~~] 72,
26 Chapter [~~17~~] 9, Motor Carrier Safety Act, school district security officers, Utah State Hospital
27 security officers designated pursuant to Section 62A-12-203, Utah State Developmental Center
28 security officers designated pursuant to Subsection 62A-5-206(9), fire arson investigators for any
29 political subdivision of the state, airport security officers of any airport owned or operated by the
30 state or any of its political subdivisions, railroad special agents deputized by a county sheriff under
31 Section 17-30-2, and all other persons designated by statute as having peace officer authority.

1 (c) Ordinance enforcement officers employed by municipalities or counties may be special
2 function officers.

3 (d) Employees of the Department of Natural Resources who have been designated to
4 conduct supplemental enforcement functions as a collateral duty shall be special function officers.

5 (2) (a) Special function officers have peace officer authority only while engaged in the
6 duties of their employment, and not for the purpose of general law enforcement. If the officer is
7 charged with security functions respecting facilities or property, the powers may be exercised only
8 in connection with acts occurring on the property where the officer is employed or when required
9 for the protection of the employer's interest, property, or employees.

10 (b) Airport security officers have total peace officer authority when on duty and when
11 acting in relation to the responsibilities of the airport at which they are employed, providing that
12 the powers may be exercised only in connection with acts occurring on the property of the airport.

13 (c) Special function officers may carry firearms only if authorized and under conditions
14 specified by the officer's employer or chief administrator. The carrying of firearms by constables
15 is authorized only while they are engaged in the duties of their employment.

16 (3) (a) A special function officer may not exercise the authority of a peace officer until the
17 officer has satisfactorily completed an approved basic training program for special function
18 officers as provided under Subsection (b) and the chief law enforcement officer or administrator
19 has certified this fact to the director of the Peace Officer Standards and Training Division. City
20 and county constables and their deputies shall certify their completion of training to the legislative
21 governing body of the county they serve.

22 (b) The agency that the special function officer serves shall establish and maintain a basic
23 special function course and in-service training programs as approved by the director of the Peace
24 Officer Standards and Training Division with the advice and consent of the Peace Officer
25 Standards and Training Council. The training shall consist of no fewer than 40 hours per year and
26 shall be conducted by the agency's own staff or other agencies.

27 Section 351. Section **77-7-18** is amended to read:

28 **77-7-18. Citation on misdemeanor or infraction charge.**

29 A peace officer, in lieu of taking a person into custody, any public official of any county
30 or municipality charged with the enforcement of the law, a port-of-entry agent as defined in
31 Section [~~27-12-2~~] 72-1-102, and a volunteer authorized to issue a citation under Section 41-6-19.5

1 may issue and deliver a citation requiring any person subject to arrest or prosecution on a
2 misdemeanor or infraction charge to appear at the court of the magistrate before whom the person
3 should be taken pursuant to law if the person had been arrested.

4 Section 352. Section **78-3-14.5** is amended to read:

5 **78-3-14.5. Allocation of district court fees and forfeitures.**

6 (1) Except as provided in this section, district court fines and forfeitures collected for
7 violation of state statutes shall be paid to the state treasurer.

8 (2) Fines and forfeitures collected by the court for violation of a state statute or county or
9 municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state
10 treasurer and 1/2 to the treasurer of the government which prosecutes or which would prosecute
11 the violation.

12 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code of
13 Utah, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

14 (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of
15 Wildlife Resources and 15% to the General Fund.

16 (b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the
17 Division of Parks and Recreation and 15% to the General Fund.

18 (4) Fines and forfeitures collected for violation of Section [~~27-12-151~~] 72-7-404 or
19 [~~27-12-154~~] 72-7-406, less fees established by the Judicial Council, shall be paid to the state
20 treasurer for deposit in the B and C road account. Fees established by the Judicial Council shall
21 be deposited in the state General Fund. Money deposited in the class B and C road account is
22 supplemental to the money appropriated under Section [~~27-12-127~~] 72-2-107 but shall be
23 expended in the same manner as other class B and C road funds.

24 (5) Fines and forfeitures collected for any violations not specified in this chapter or
25 otherwise provided for by law shall be paid to the state treasurer.

26 (6) Fees collected in connection with civil actions filed in the district court shall be paid
27 to the state treasurer.

28 (7) The court shall remit money collected in accordance with Title 51, Chapter 7, State
29 Money Management Act.

30 Section 353. Section **78-5-116** is amended to read:

31 **78-5-116. Disposition of fines.**

1 (1) Except as otherwise specified by this section, fines and forfeitures collected by a justice
2 court shall be remitted, one-half to the treasurer of the local government responsible for the court
3 and one-half to the treasurer of the local government which prosecutes or which would prosecute
4 the violation.

5 (2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife
6 Resources and 15% to the general fund of the city or county government responsible for the justice
7 court.

8 (b) For violation of Title 73, Chapter 18, the court shall allocate 85% to the Division of
9 Parks and Recreation and 15% to the general fund of the city or county government responsible
10 for the justice court.

11 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

12 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court
13 for a violation of [~~Sections 27-12-151~~] Section 72-7-404 or [~~27-12-154~~] 72-7-406 regarding
14 maximum weight limitations and overweight permits, minus court costs not to exceed the schedule
15 adopted by the Judicial Council, shall be paid to the state treasurer and distributed [~~under the~~
16 ~~following schedule:~~ (a) from July 1, 1991, through June 30, 1992, 25% to the class B and C road
17 account and 75% as provided in Subsection (1); (b) from July 1, 1992, through June 30, 1993,
18 50% to the class B and C road account and 50% as provided in Subsection (1); (c) from July 1,
19 1993, through June 30, 1994, 75% to the class B and C road account and 25% as provided in
20 Subsection (1); and (d) beginning July 1, 1994, 100%] to the class B and C road account.

21 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is
22 supplemental to the money appropriated under Section [~~27-12-127~~] 72-2-107 but shall be
23 expended in the same manner as other class B and C road funds.

24 Section 354. **Repealer.**

25 This act repeals:

26 Section **2-2-15, Short title.**

27 Section **2-3-11, Short title.**

28 Section **2-4-15, Short title.**

29 Section **27-12-7, General duties of the department.**

30 Section **27-12-9, Department may sue and be sued.**

31 Section **27-12-25, Control of highways, roads, paths and ways not otherwise**

1 **designated.**

2 Section 27-12-86, Jurisdiction and control of department over interstate highways in
3 **cities and towns.**

4 Section 27-12-87, Authority of department to widen or improve streets.

5 Section 27-12-102.1, Vacation, narrowing or change of name of county road -- Petition
6 **by property owner.**

7 Section 27-12-102.2, Vacation, narrowing or change of name of county road -- Action
8 **by county legislative body without petition.**

9 Section 27-12-102.3, Vacation -- Notice -- Exception.

10 Section 27-12-102.4, Vacation -- Publication or posting and mailing of notice.

11 Section 27-12-102.5, Vacation or narrowing of county road -- Effect of action of
12 **county legislative body.**

13 Section 27-12-109.2, Interests in land acquired for preservation of scenic beauty.

14 Section 27-12-109.3, Powers of department over property acquired for scenic beauty
15 **-- Agreements for maintenance.**

16 Section 27-12-111, Authority to provide and maintain limited-access facilities --
17 **Powers of highway authorities.**

18 Section 27-12-112, Determination of design.

19 Section 27-12-113, Acquisition of property and property rights.

20 Section 27-12-114, Designation and establishment of new or existing highways as
21 **limited-access facilities -- Elimination of intersections -- Right to open into or connect with**
22 **facility restricted.**

23 Section 27-12-115, Agreements with political subdivisions and with federal
24 **government.**

25 Section 27-12-116, Local service roads and streets.

26 Section 27-12-118, Agreements between boards and commissions and United States.

27 Section 27-12-119, Preference in use by livestock -- Restrictions.

28 Section 27-12-120, Unlawful to use public highway if livestock highway available --
29 **Penalty for violation.**

30 Section 27-12-124, Roads within national forests -- Use of county funds in cooperation
31 **with federal government.**

- 1 Section 27-12-136.1, "Utah Outdoor Advertising Act" -- Short title.
- 2 Section 27-12-137, Dump grounds, junk, or salvage yards adjacent to highways --
- 3 Regulation authorized -- Definitions.
- 4 Section 27-12-137.1, Junkyard Control Act -- Short title.
- 5 Section 27-14-2, Purpose.
- 6 Section 27-15-1, Definitions.
- 7 Section 27-15-2, Designation of class D roads.
- 8 Section 27-16-101, Title.
- 9 Section 27-17-703, Department of Transportation powers and duties.
- 10 Section 27-18-101, Title.
- 11 Section 63-49-2, Definition of terms.
- 12 Section 63-49-17, Redesignation of fund.
- 13 Section 355. Effective date.

14 If approved by two-thirds of all the members elected to each house, this act takes effect
 15 upon approval by the governor, or the day following the constitutional time limit of Utah
 16 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
 17 date of veto override.

Legislative Review Note
as of 11-20-97 10:27 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Transportation Interim Committee recommended this bill.