

TRANSPORTATION INVESTMENT ACT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Rebecca D. Lockhart

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code, the Sales and Use Tax Act, the Motor and Special Fuel Tax Act, and the Transportation Code to amend provisions to increase funding for transportation.

Highlighted Provisions:

This bill:

- ▶ creates the Transportation Investment Fund of 2005 to pay the costs of maintenance, construction, reconstruction, or renovation to state and federal highways and directs a portion of certain increases in vehicle fees and sales and use taxes to the fund;
- ▶ redesignates the Centennial Highway Fund as a restricted account within the Transportation Investment Fund of 2005;
- ▶ transfers the Centennial Highway Fund revenue sources to the Transportation Investment Fund of 2005 when the highway general obligation bonds for the Centennial Highway Fund have been paid off;
- ▶ provides that a certain amount of sales and use tax revenue shall be transferred annually to the Centennial Highway Fund;
- ▶ provides that a certain amount of sales and use tax revenue shall be transferred annually to the Transportation Investment Fund of 2005;
- ▶ increases the following fees by \$9:
 - temporary registration permits, motorcycle registration, passenger vehicle registration, and vintage vehicle registration;



- 28 ▶ increases the following fees by approximately 10%:
 - 29 • small trailer registration, farm truck registration, large truck registration,
 - 30 lifetime commercial trailer registration, original and annual personalized license
 - 31 plate set, and oversize and overweight permits;
- 32 ▶ increases the following fees and fines:
 - 33 • duplicate certificate of registration, original and duplicate certificate of title,
 - 34 original and duplicate license plate set, original special group license plate set,
 - 35 motor carrier fee, overweight vehicle fines;
- 36 ▶ eliminates a provision that would repeal the \$35 surcharge on clean special fuel tax
- 37 certificates on December 31, 2005; and
- 38 ▶ makes technical changes.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill takes effect on July 1, 2005.

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **41-1a-301**, as last amended by Chapter 268, Laws of Utah 2003
- 46 **41-1a-1201**, as last amended by Chapters 1 and 212, Laws of Utah 2003
- 47 **41-1a-1206**, as last amended by Chapter 244, Laws of Utah 2000
- 48 **41-1a-1208**, as repealed and reenacted by Chapter 222, Laws of Utah 1993
- 49 **41-1a-1210**, as repealed and reenacted by Chapter 222, Laws of Utah 1993
- 50 **41-1a-1211**, as last amended by Chapter 1, Laws of Utah 2003
- 51 **41-1a-1219**, as enacted by Chapter 170, Laws of Utah 1996
- 52 **59-12-103 (Effective 07/01/05)**, as last amended by Chapter 1, Laws of Utah 2004,
- 53 Third Special Session
- 54 **59-13-304**, as last amended by Chapter 7, Laws of Utah 2003
- 55 **63-38c-103**, as last amended by Chapter 318, Laws of Utah 2004
- 56 **72-2-118**, as last amended by Chapter 147, Laws of Utah 2000
- 57 **72-7-404**, as last amended by Chapter 21, Laws of Utah 1999
- 58 **72-7-406**, as last amended by Chapter 252, Laws of Utah 2001

59 ENACTS:

60 **72-2-124**, Utah Code Annotated 1953

61

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

63 Section 1. Section **41-1a-301** is amended to read:

64 **41-1a-301. Apportioned registration and licensing of interstate vehicles.**

65 (1) (a) An owner or operator of a fleet of commercial vehicles based in this state and
66 operating in two or more jurisdictions may register commercial vehicles for operation under the
67 International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity
68 Agreement by filing an application with the division.

69 (b) The application shall include information that identifies the vehicle owner, the
70 vehicle, the miles traveled in each jurisdiction, and other information pertinent to the
71 registration of apportioned vehicles.

72 (c) Vehicles operated exclusively in this state may not be apportioned.

73 (2) (a) If no operations were conducted during the preceding year, the application shall
74 contain a statement of the proposed operations and an estimate of annual mileage for each
75 jurisdiction.

76 (b) The division may adjust the estimate if the division is not satisfied with its
77 correctness.

78 (c) At renewal, the registrant shall use the actual mileage from the preceding year in
79 computing fees due each jurisdiction.

80 (3) The registration fee for apportioned vehicles shall be determined as follows:

81 (a) divide the in-jurisdiction miles by the total miles generated during the preceding
82 year;

83 (b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206;
84 and

85 (c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under
86 Subsection (3)(a).

87 (4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer
88 fleets" with the fees paid according to the total distance those trailers were towed in all
89 jurisdictions during the preceding year mileage reporting period.

90 (5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has
91 been cleared under Section 41-1a-206 or 41-1a-207, a registration card, annual decal, and
92 where necessary, license plate, will be issued for each unit listed on the application.

93 (ii) An original registration must be carried in each vehicle at all times.

94 (b) Original registration cards for trailers or semitrailers may be carried in the power
95 unit.

96 (c) (i) In lieu of a permanent registration card or license plate, the division may issue
97 one temporary permit authorizing operation of new or unlicensed vehicles until the permanent
98 registration is completed.

99 (ii) Once a temporary permit is issued, the registration process may not be cancelled.
100 Registration must be completed and the fees and any property tax or in lieu fee due must be
101 paid for the vehicle for which the permit was issued.

102 (iii) Temporary permits may not be issued for renewals.

103 (d) (i) The division shall issue one distinctive license plate that displays the letters APP
104 for apportioned vehicles.

105 (ii) The plate shall be displayed on the front of an apportioned truck tractor or power
106 unit or on the rear of any apportioned vehicle.

107 (iii) Distinctive decals displaying the word "apportioned" and the month and year of
108 expiration shall be issued for each apportioned vehicle.

109 (e) A nonrefundable administrative fee, determined by the commission pursuant to
110 Section 63-38-3.2, shall be charged for each temporary permit, registration, or both.

111 (6) Vehicles that are apportionally registered are fully registered for intrastate and
112 interstate movements, providing the proper interstate and intrastate authority has been secured.

113 (7) (a) Vehicles added to an apportioned fleet after the beginning of the registration
114 year shall be registered by applying the quotient under Subsection (3)(a) for the original
115 application to the fees due for the remainder of the registration year.

116 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle
117 in each jurisdiction, showing all miles operated by the lessor and lessee.

118 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of
119 the year immediately preceding the calendar year in which the registration year begins.

120 (c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be

121 registered in the name of the owner-operator.

122 (ii) The identification plates and registration card shall be the property of the lessor and
123 may reflect both the owner-operator's name and that of the carrier as lessee.

124 (iii) The allocation of fees shall be according to the operational records of the
125 owner-operator.

126 (d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

127 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name
128 shall appear on the registration.

129 (iii) The allocation of fees shall be according to the records of the carrier.

130 (8) (a) Any registrant whose application for apportioned registration has been accepted
131 shall preserve the records on which the application is based for a period of three years after the
132 close of the registration year.

133 (b) The records shall be made available to the division upon request for audit as to
134 accuracy of computations, payments, and assessments for deficiencies, or allowances for
135 credits.

136 (c) An assessment for deficiency or claim for credit may not be made for any period for
137 which records are no longer required.

138 (d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid
139 from the date due until paid on deficiencies found due after audit.

140 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

141 (f) The division may enter into agreements with other International Registration Plan
142 jurisdictions for joint audits.

143 (9) (a) Except as provided in Subsection (9)(b), all state fees collected under this
144 section shall be deposited in the Transportation Fund.

145 (b) The following fees may be used by the commission as a dedicated credit to cover
146 the costs of electronic credentialing as provided in Section 41-1a-303:

147 (i) \$5 of each temporary registration permit fee paid under Subsection (12)(a)(i) for a
148 single unit; and

149 (ii) \$10 of each temporary registration permit fee paid under Subsection (12)(a)(ii) for
150 multiple units.

151 (10) If registration is for less than a full year, fees for apportioned registration shall be

152 assessed according to Section 41-1a-1207.

153 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the
154 new vehicle is of the same weight category as the replaced vehicle, the registrant must file a
155 supplemental application.

156 (ii) A registration card that transfers the license plate to the new vehicle shall be issued.

157 (iii) When a replacement vehicle is of greater weight than the replaced vehicle,
158 additional registration fees are due.

159 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is
160 registered, the registrant shall notify the division and surrender the registration card and license
161 plate of the withdrawn vehicle.

162 (11) (a) An out-of-state carrier with an apportionally registered vehicle who has not
163 presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or
164 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway
165 use tax computed as follows:

166 (i) Multiply the number of vehicles or combination vehicles registered in each weight
167 class by the equivalent tax figure from the following tables:

168 Vehicle or Combination

Registered Weight	Age of Vehicle	Equivalent Tax
12,000 pounds or less	12 or more years	\$10
12,000 pounds or less	9 or more years but less than 12 years	\$50
12,000 pounds or less	6 or more years but less than 9 years	\$80
12,000 pounds or less	3 or more years but less than 6 years	\$110
12,000 pounds or less	Less than 3 years	\$150

Vehicle or Combination	Equivalent Tax
Registered Weight	Tax
12,001 - 18,000 pounds	\$150
18,001 - 34,000 pounds	200
34,001 - 48,000 pounds	300
48,001 - 64,000 pounds	450
64,001 pounds and over	600

182 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection

183 (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the
184 registration year.

185 (b) Fees shall be assessed as provided in Section 41-1a-1207.

186 (12) (a) Commercial vehicles meeting the registration requirements of another
187 jurisdiction may, as an alternative to full or apportioned registration, secure a temporary
188 registration permit for a period not to exceed 96 hours or until they leave the state, whichever is
189 less, for a fee of:

190 (i) [~~\$25~~] \$34 for a single unit; and

191 (ii) [~~\$50~~] \$59 for multiple units.

192 (b) A state temporary permit or registration fee is not required from nonresident owners
193 or operators of vehicles or combination of vehicles having a gross laden weight of 26,000
194 pounds or less for each single unit or combination.

195 Section 2. Section **41-1a-1201** is amended to read:

196 **41-1a-1201. Disposition of fees.**

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

199 (2) Except as provided in Subsections (3), (4), and (6), and Sections 41-1a-422,
200 41-1a-1220, and 41-1a-1221, all fees collected under this part shall be deposited in the
201 Transportation Fund.

202 (3) (a) Funds generated under Subsections 41-1a-1211(1)(a), (6)(a), and (7) and
203 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs
204 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

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

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

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

212 (6) (a) [~~The~~] Except as provided in Subsection (6)(b), the following portions of the
213 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the

214 Centennial Highway Fund Restricted Account created under Section 72-2-118:

215 ~~[(a)]~~ (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a),
216 (1)(b), (2), and (5);

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

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

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

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

222 (b) When the highway general obligation bonds issued under Title 63B, Chapters 6
223 through 13 have been paid off, the following portions of the registration fees imposed under
224 Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund
225 of 2005 created by Section 72-2-124:

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

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

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

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

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

233 (7) The following portions of the fees imposed for each vehicle shall be deposited in
234 the Transportation Investment Fund of 2005 created by Section 72-2-124:

235 (a) \$9 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2),
236 and Subsections 41-1a-301(12)(a)(i) and (12)(a)(ii);

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

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

240 (d) \$3.50 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

241 (e) \$5 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);

242 (f) \$11 of the registration fee imposed under Subsection 41-1a-1206(5);

243 (g) \$4 of the fee imposed under Section 41-1a-1208; and

244 (h) \$6 of the fees imposed under Sections 41-1a-1210 and 41-1a-1219.

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

246 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

247 (1) Except as provided in Subsection (2), at the time application is made for
248 registration or renewal of registration of a vehicle or combination of vehicles under this
249 chapter, a registration fee shall be paid to the division as follows:

250 (a) [~~\$22.50~~] \$31.50 for each motorcycle;

251 (b) [~~\$21~~] \$30 for each motor vehicle of 12,000 pounds or less gross laden weight,
252 excluding motorcycles;

253 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
254 or is registered under Section 41-1a-301:

255 (i) [~~\$11~~] \$12 for each trailer or semitrailer over 750 pounds gross unladen weight; or

256 (ii) [~~\$8.50~~] \$9.50 for each commercial trailer or commercial semitrailer of 750 pounds
257 or less gross unladen weight;

258 (d) (i) [~~\$33~~] \$36.50 for each farm truck over 12,000 pounds, but not exceeding 14,000
259 pounds gross laden weight; plus

260 (ii) [~~\$9~~] \$10 for each 2,000 pounds over 14,000 pounds gross laden weight; and

261 (e) (i) [~~\$49.50~~] \$54.50 for each motor vehicle or combination of motor vehicles,
262 excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
263 weight; plus

264 (ii) [~~\$18.50~~] \$20.50 for each 2,000 pounds over 14,000 pounds gross laden weight.

265 (2) The initial registration fee for a vintage vehicle is [~~\$20~~] \$29.

266 (3) If a motor vehicle is operated in combination with a semitrailer or trailer, each
267 motor vehicle shall register for the total gross laden weight of all units of the combination if the
268 total gross laden weight of the combination exceeds 12,000 pounds.

269 (4) (a) Registration fee categories under this section are based on the gross laden
270 weight declared in the licensee's application for registration.

271 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
272 of 2,000 pounds is a full unit.

273 (5) The owner of a commercial trailer or commercial semitrailer may, as an alternative
274 to registering under Subsection (1)(c), apply for and obtain a special registration and license
275 plate for a fee of [~~\$110~~] \$121.

276 (6) Except as provided in Section 41-6-163.6, a truck may not be registered as a farm
277 truck unless:

- 278 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- 279 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
- 280 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
- 281 submits to the division a certificate of emissions inspection or a waiver in compliance with
- 282 Section 41-6-163.6.

283 (7) A violation of Subsection (6) is a class B misdemeanor that shall be punished by a
284 fine of not less than \$200.

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

288 Section 4. Section **41-1a-1208** is amended to read:

289 **41-1a-1208. Fees for duplicate certificates of registration.**

290 A duplicate certificate of registration may be issued upon application and payment of
291 [~~\$4~~] \$8 to the division.

292 Section 5. Section **41-1a-1210** is amended to read:

293 **41-1a-1210. Fees for original and duplicate certificates of title.**

294 A fee of [~~\$6~~] \$12 shall be paid to the division for the issuance of each original and
295 duplicate certificate of title for a vehicle, vessel, or outboard motor.

296 Section 6. Section **41-1a-1211** is amended to read:

297 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**
298 **personalized and special group license plates -- Replacement fee for license plates --**
299 **Postage fees.**

300 (1) A license plate fee of [~~\$5~~] \$10 per set shall be paid to the division for the issuance
301 of any new license plate under Part 4, License Plates and Registration Indicia, except for
302 license plates issued under Section 41-1a-407. The license plate fee shall be deposited as
303 follows:

- 304 (a) \$4 as provided in Section 41-1a-1201; and
- 305 (b) [~~\$1~~] \$6 in the Transportation Fund.

306 (2) An applicant for original issuance of personalized license plates issued under

307 Section 41-1a-410 shall pay a [~~\$50~~] \$55 per set license plate application fee in addition to the
308 fee required in Subsection (1).

309 (3) Beginning July 1, [~~2003~~] 2005, a person who applies for a special group license
310 plate shall pay a [~~\$5~~] \$10 fee for the original set of license plates in addition to the fee required
311 under Subsection (1).

312 (4) An applicant for original issuance of personalized special group license plates shall
313 pay the license plate application fees required in Subsection (2) in addition to the license plate
314 fees and license plate application fees established under Subsections (1) and (3).

315 (5) An applicant for renewal of personalized license plates issued under Section
316 41-1a-410 shall pay a [~~\$10~~] \$11 per set application fee.

317 (6) A fee of [~~\$5~~] \$10 shall be paid to the division for the replacement of any license
318 plate issued under Part 4, License Plates and Registration Indicia. The license plate fee shall be
319 deposited as follows:

320 (a) \$4 as provided in Section 41-1a-1201; and

321 (b) [~~\$1~~] \$6 in the Transportation Fund.

322 (7) The division may charge a fee established under Section 63-38-3.2 to recover its
323 costs for the replacement of decals issued under Section 41-1a-418.

324 (8) The division may charge a fee established under Section 63-38-3.2 to recover the
325 cost of issuing stickers under Section 41-1a-416.

326 (9) In addition to any other fees required by this section, the division shall assess a fee
327 established under Section 63-38-3.2 to cover postage expenses if new or replacement license
328 plates are mailed to the applicant.

329 (10) The fees required under this section are separate from and in addition to
330 registration fees required under Section 41-1a-1206.

331 Section 7. Section **41-1a-1219** is amended to read:

332 **41-1a-1219. Motor carrier fee.**

333 (1) At the time application is made for registration or renewal of registration of a motor
334 vehicle or combination of motor vehicles over 12,000 pounds gross laden weight, the applicant
335 shall pay a motor carrier fee of [~~\$6~~] \$12 for each motor vehicle or combination of motor
336 vehicles.

337 (2) This fee is in addition to the registration fees under Subsections 41-1a-1206(1)(d)

338 and (e).

339 Section 8. Section **59-12-103 (Effective 07/01/05)** is amended to read:

340 **59-12-103 (Effective 07/01/05). Sales and use tax base -- Rates -- Effective dates --**

341 **Use of sales and use tax revenues.**

342 (1) A tax is imposed on the purchaser as provided in this part for amounts paid or
343 charged for the following transactions:

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

345 (b) amounts paid:

346 (i) (A) to a common carrier; or

347 (B) whether the following are municipally or privately owned, to a:

348 (I) telephone service provider; or

349 (II) telegraph corporation as defined in Section 54-2-1; and

350 (ii) for:

351 (A) all transportation;

352 (B) telephone service, other than mobile telecommunications service, that originates
353 and terminates within the boundaries of this state;

354 (C) mobile telecommunications service that originates and terminates within the
355 boundaries of one state only to the extent permitted by the Mobile Telecommunications

356 Sourcing Act, 4 U.S.C. Sec.116 et seq.; or

357 (D) telegraph service;

358 (c) sales of the following for commercial use:

359 (i) gas;

360 (ii) electricity;

361 (iii) heat;

362 (iv) coal;

363 (v) fuel oil; or

364 (vi) other fuels;

365 (d) sales of the following for residential use:

366 (i) gas;

367 (ii) electricity;

368 (iii) heat;

- 369 (iv) coal;
- 370 (v) fuel oil; or
- 371 (vi) other fuels;
- 372 (e) sales of prepared food;
- 373 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 374 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 375 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 376 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 377 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 378 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 379 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 380 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 381 exhibition, cultural, or athletic activity;
- 382 (g) amounts paid or charged for services:
- 383 (i) for repairs or renovations of tangible personal property, unless Section 59-12-104
- 384 provides for an exemption from sales and use tax for:
- 385 (A) the tangible personal property; and
- 386 (B) parts used in the repairs or renovations of the tangible personal property described
- 387 in Subsection (1)(g)(i)(A), whether or not any parts are actually used in the repairs or
- 388 renovations of that tangible personal property; or
- 389 (ii) to install tangible personal property in connection with other tangible personal
- 390 property, unless the tangible personal property being installed is exempt from sales and use tax
- 391 under Section 59-12-104;
- 392 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
- 393 cleaning or washing of tangible personal property;
- 394 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
- 395 accommodations and services that are regularly rented for less than 30 consecutive days;
- 396 (j) amounts paid or charged for laundry or dry cleaning services;
- 397 (k) amounts paid or charged for leases or rentals of tangible personal property if:
- 398 (i) the tangible personal property's situs is in this state;
- 399 (ii) the lessee took possession of the tangible personal property in this state; or

- 400 (iii) within this state the tangible personal property is:
- 401 (A) stored;
- 402 (B) used; or
- 403 (C) otherwise consumed;
- 404 (l) amounts paid or charged for tangible personal property if within this state the
- 405 tangible personal property is:
- 406 (i) stored;
- 407 (ii) used; or
- 408 (iii) consumed; and
- 409 (m) amounts paid or charged for prepaid telephone calling cards.
- 410 (2) (a) Except as provided in Subsection (2)(b), beginning on July 1, 2001, a state tax
- 411 and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:
- 412 (i) a state tax imposed on the transaction at a rate of 4.75%; and
- 413 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 414 transaction under this chapter other than this part.
- 415 (b) Notwithstanding Subsection (2)(a), beginning on July 1, 2001, a state tax and a
- 416 local tax is imposed on a transaction described in Subsection (1)(d) equal to the sum of:
- 417 (i) a state tax imposed on the transaction at a rate of 2%; and
- 418 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 419 transaction under this chapter other than this part.
- 420 (c) Subject to Subsections (2)(d) and (e), a tax rate repeal or tax rate change for a tax
- 421 rate imposed under the following shall take effect on the first day of a calendar quarter:
- 422 (i) Subsection (2)(a)(i); or
- 423 (ii) Subsection (2)(b)(i).
- 424 (d) (i) For a transaction described in Subsection (2)(d)(iii), a tax rate increase shall take
- 425 effect on the first day of the first billing period:
- 426 (A) that begins after the effective date of the tax rate increase; and
- 427 (B) if the billing period for the transaction begins before the effective date of a tax rate
- 428 increase imposed under:
- 429 (I) Subsection (2)(a)(i); or
- 430 (II) Subsection (2)(b)(i).

431 (ii) For a transaction described in Subsection (2)(d)(iii), the repeal of a tax or a tax rate
432 decrease shall take effect on the first day of the last billing period:

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

435 (B) if the billing period for the transaction begins before the effective date of the repeal
436 of the tax or the tax rate decrease imposed under:

437 (I) Subsection (2)(a)(i); or

438 (II) Subsection (2)(b)(i).

439 (iii) Subsections (2)(d)(i) and (ii) apply to transactions subject to a tax under:

440 (A) Subsection (1)(b);

441 (B) Subsection (1)(c);

442 (C) Subsection (1)(d);

443 (D) Subsection (1)(e);

444 (E) Subsection (1)(f);

445 (F) Subsection (1)(g);

446 (G) Subsection (1)(h);

447 (H) Subsection (1)(i);

448 (I) Subsection (1)(j); or

449 (J) Subsection (1)(k).

450 (e) (i) If a tax due under Subsection (2)(a)(i) on a catalogue sale is computed on the
451 basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax
452 rate imposed under Subsection (2)(a)(i) takes effect:

453 (A) on the first day of a calendar quarter; and

454 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change
455 under Subsection (2)(a)(i).

456 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
457 the commission may by rule define the term "catalogue sale."

458 (3) (a) Except as provided in Subsections (4) through [~~(7)~~] (9), the following state
459 taxes shall be deposited into the General Fund:

460 (i) the tax imposed by Subsection (2)(a)(i); or

461 (ii) the tax imposed by Subsection (2)(b)(i).

462 (b) The local taxes described in Subsections (2)(a)(ii) and (2)(b)(ii) shall be distributed
463 to a county, city, or town as provided in this chapter.

464 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
465 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)
466 through (g):

467 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

468 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

469 (B) for the fiscal year; or

470 (ii) \$17,500,000.

471 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
472 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
473 Department of Natural Resources to:

474 (A) implement the measures described in Subsections 63-34-14(4)(a) through (d) to
475 protect sensitive plant and animal species; or

476 (B) award grants, up to the amount authorized by the Legislature in an appropriations
477 act, to political subdivisions of the state to implement the measures described in Subsections
478 63-34-14(4)(a) through (d) to protect sensitive plant and animal species.

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

483 (iii) At the end of each fiscal year:

484 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
485 Conservation and Development Fund created in Section 73-10-24;

486 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
487 Program Subaccount created in Section 73-10c-5; and

488 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
489 Program Subaccount created in Section 73-10c-5.

490 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
491 Subsection (4)(b)(i) shall be deposited each year in the Agriculture Resource Development
492 Fund created in Section 4-18-6.

493 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
494 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
495 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
496 water rights.

497 (ii) At the end of each fiscal year:

498 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
499 Conservation and Development Fund created in Section 73-10-24;

500 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
501 Program Subaccount created in Section 73-10c-5; and

502 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
503 Program Subaccount created in Section 73-10c-5.

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

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

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

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

518 (C) fund state required dam safety improvements; and

519 (D) protect the state's interest in interstate water compact allocations, including the
520 hiring of technical and legal staff.

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

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

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

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

530 (iii) develop surface water sources.

531 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
532 2003, the lesser of the following amounts shall be used as provided in Subsections (5)(b)
533 through (d):

534 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

535 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

536 (B) for the fiscal year; or

537 (ii) \$18,743,000.

538 (b) (i) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described
539 in Subsection (5)(a) shall be deposited each year in the Transportation Corridor Preservation
540 Revolving Loan Fund created in Section 72-2-117.

541 (ii) At least 50% of the money deposited in the Transportation Corridor Preservation
542 Revolving Loan Fund under Subsection (5)(b)(i) shall be used to fund loan applications made
543 by the Department of Transportation at the request of local governments.

544 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
545 Subsection (5)(a) shall be transferred each year as nonlapsing dedicated credits to the
546 Department of Transportation for the State Park Access Highways Improvement Program
547 created in Section 72-3-207.

548 (d) For a fiscal year beginning on or after July 1, 2003, 94% of the amount described in
549 Subsection (5)(a) shall be deposited in the class B and class C roads account to be expended as
550 provided in Title 72, Chapter 2, Transportation Finances Act, for the use of class B and C
551 roads.

552 (6) (a) Notwithstanding Subsection (3)(a) and except as provided in Subsection (6)(b),
553 beginning on January 1, 2000, the Division of Finance shall deposit into the Centennial
554 Highway Fund Restricted Account created in Section 72-2-118 a portion of the taxes listed

555 under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable
556 transactions under Subsection (1).

557 (b) Notwithstanding Subsection (3)(a), when the highway general obligation bonds
558 issued under Title 63B, Chapters 6 through 13 have been paid off, the Division of Finance shall
559 deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion
560 of the taxes listed under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate
561 on the taxable transactions under Subsection (1).

562 (7) (a) Notwithstanding Subsection (3)(a), for fiscal years beginning on or after fiscal
563 year 2004-05, the commission shall each year on or before the September 30 immediately
564 following the last day of the fiscal year deposit the difference described in Subsection (7)(b)
565 into the Remote Sales Restricted Account created in Section 59-12-103.2 if that difference is
566 greater than \$0.

567 (b) The difference described in Subsection (7)(a) is equal to the difference between:

568 (i) the total amount of the following revenues the commission received from sellers
569 collecting a tax in accordance with Subsection 59-12-107(1)(b) for the fiscal year immediately
570 preceding the September 30 described in Subsection (7)(a):

571 (A) revenues under Subsection (2)(a)(i); and

572 (B) revenues under Subsection (2)(b)(i); and

573 (ii) \$7,279,673.

574 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amount deposited in
575 Subsection (6)(a), and except as provided in Subsection (8)(b), for a fiscal year beginning on or
576 after July 1, 2005, the Division of Finance shall deposit \$60,000,000 of the revenues generated
577 by the taxes described in Subsections (2)(a)(i) and (2)(b)(i) into the Centennial Highway Fund
578 Restricted Account created by Section 72-2-118.

579 (b) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under
580 Subsections (6)(b) and (9), when the highway general obligation bonds issued under Title 63B,
581 Chapters 6 through 13 have been paid off, the Division of Finance shall deposit \$60,000,000 of
582 the revenues generated by the taxes described in Subsections (2)(a)(i) and (2)(b)(i) into the
583 Transportation Investment Fund of 2005 created by Section 72-2-124.

584 (9) (a) Notwithstanding Subsection (3)(a), for the fiscal year 2005-06 only, the
585 Division of Finance shall deposit \$90,000,000 of the revenues generated by the taxes described

586 in Subsections (2)(a)(i) and (2)(b)(i) into the Transportation Investment Fund of 2005 created
587 by Section 72-2-124.

588 (b) Notwithstanding Subsection (3)(a), for the fiscal year 2006-07, the Division of
589 Finance shall deposit \$180,000,000 of the revenues generated by the taxes described in
590 Subsections (2)(a)(i) and (2)(b)(i) into the Transportation Investment Fund of 2005 created by
591 Section 72-2-124.

592 (c) Notwithstanding Subsection (3)(a) and in addition to amounts deposited under
593 Subsections (6)(b) and (8)(b), for a fiscal year beginning on or after July 1, 2007, the Division
594 of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section
595 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated
596 by a .56% tax rate on the taxable transactions under Subsection (1), which represents a portion
597 of the amount of revenue generated by the sales and use tax on vehicles and vehicle-related
598 products.

599 Section 9. Section **59-13-304** is amended to read:

600 **59-13-304. Exemptions from Special Fuel Tax -- Clean Special Fuel Tax --**
601 **Certificate required -- Fees for certificates -- Inspection of vehicles -- Exemptions.**

602 (1) (a) Except as provided in Subsection (4), a user of special fuel who owns a vehicle
603 powered by a clean special fuel as defined under Section 59-13-102 shall pay a clean special
604 fuel tax as provided under this section for use of clean special fuel.

605 (b) A user of special fuel who qualifies for the clean special fuel tax shall annually
606 purchase from the commission a clean special fuel tax certificate for each vehicle owned or
607 leased that is powered by a clean special fuel.

608 (c) Clean special fuel tax certificates are provided to encourage the use of clean fuels to
609 reduce air pollution.

610 (2) (a) The fee for a clean special fuel tax certificate is:

611 (i) 70/.19 of the tax per gallon imposed under Subsection 59-13-201(1)(a), rounded up
612 to the nearest dollar, for qualified motor vehicles as defined under Section 59-13-102; and

613 (ii) 36/.19 of the tax per gallon imposed under Subsection 59-13-201(1)(a), rounded up
614 to the nearest dollar, for other vehicles.

615 (b) The commission may require each vehicle to be inspected for safe operation before
616 issuing the certificate.

617 (c) Each vehicle shall be equipped with an approved and properly installed carburetion
618 system if it is powered by a fuel that is gaseous at standard atmospheric conditions.

619 (3) (a) [~~Beginning January 1, 2001 through December 31, 2005, there~~] There is
620 imposed a surcharge of \$35 on each clean special fuel tax certificate issued under this section.

621 (b) [~~Surcharges~~] Except as provided in Subsection (3)(c), surcharges imposed under
622 Subsection (3)(a) shall be deposited into the Centennial Highway Fund Restricted Account
623 created under Section 72-2-118.

624 (c) When the highway general obligation bonds issued under Title 63B, Chapters 6
625 through 13 have been paid off, surcharges imposed under Subsection (3)(a) shall be deposited
626 into the Transportation Investment Fund of 2005 created by Section 72-2-124.

627 (4) A governmental entity identified in Subsection 59-13-301(9) that owns or leases a
628 vehicle powered by a special fuel that qualifies as a clean special fuel is exempt from the clean
629 special fuel tax imposed under this section.

630 Section 10. Section **63-38c-103** is amended to read:

631 **63-38c-103. Definitions.**

632 As used in this chapter:

633 (1) (a) "Appropriations" means actual unrestricted capital and operating appropriations
634 from unrestricted General Fund sources and from non-Uniform School Fund income tax
635 revenues as presented in the governor's executive budgets.

636 (b) "Appropriation" includes appropriations that are contingent upon available
637 surpluses in the General Fund.

638 (c) "Appropriations" does not mean:

639 (i) debt service expenditures;

640 (ii) emergency expenditures;

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

643 (iv) transfers into, or appropriations made to, the General Fund Budget Reserve
644 Account established in Section 63-38-2.5;

645 (v) transfers into, or appropriations made to, the Education Budget Reserve Account
646 established in Section 63-38-2.6;

647 (vi) monies appropriated to fund the total one-time project costs for the construction of

648 capital developments as defined in Section 63A-5-104; or

649 (vii) appropriations made to the Centennial Highway Fund Restricted Account created
650 by Section 72-2-118.

651 (2) "Base year real per capita appropriations" means the result obtained for the state by
652 dividing the fiscal year 1985 actual appropriations of the state less debt monies by:

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

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

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

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

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

662 (6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual
663 capital and operations appropriations from General Fund and non-Uniform School Fund
664 income tax revenue sources, less debt monies.

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

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

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

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

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

678 (11) "Population" means the number of residents of the state as of July 1 of each year

679 as calculated by the Governor's Office of Planning and Budget according to the procedures and
680 requirements of Section 63-38c-202.

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

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

688 Section 11. Section **72-2-118** is amended to read:

689 **72-2-118. Centennial Highway Fund Restricted Account.**

690 (1) There is created [~~a special revenue fund~~] within the Transportation Investment
691 Fund of 2005 created by Section 72-2-124 a restricted account entitled the Centennial Highway
692 Fund Restricted Account.

693 (2) The [~~fund~~] account consists of monies generated from the following revenue
694 sources:

695 (a) any voluntary contributions received for the construction, major reconstruction, or
696 major renovation of state or federal highways;

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

698 (c) registration fees designated under Subsection 41-1a-1201(6)(a); and

699 (d) the sales and use tax amounts provided for in Section 59-12-103.

700 (3) (a) The [~~fund~~] account shall earn interest.

701 (b) All interest earned on [~~fund~~] account monies shall be deposited into the [~~fund~~]
702 account.

703 (4) The executive director may use [~~fund~~] account monies, as prioritized by the
704 Transportation Commission, only to pay the costs of construction, major reconstruction, or
705 major renovation to state and federal highways.

706 (5) When the highway general obligation bonds issued under Title 63B, Chapters 6
707 through 13 have been paid off, the Division of Finance shall transfer any existing balance in the
708 account into the Transportation Investment Fund of 2005 created by Section 72-2-124.

709 Section 12. Section **72-2-124** is enacted to read:

710 **72-2-124. Transportation Investment Fund of 2005.**711 (1) There is created a special revenue fund entitled the Transportation Investment Fund
712 of 2005.713 (2) The fund consists of monies generated from the following revenue sources:714 (a) any voluntary contributions received for the maintenance, construction,
715 reconstruction, or renovation of state or federal highways;716 (b) appropriations made to the fund by the Legislature;717 (c) registration fees designated under Subsection 41-1a-1201(7); and718 (d) the sales and use tax amounts provided for in Subsection 59-12-103(9).719 (3) When the highway general obligation bonds issued under Title 63B, Chapters 6
720 through 13 have been paid off, the fund shall also consist of monies generated from the
721 following sources:722 (a) registration fees designated under Subsection 41-1a-1201(6)(a);723 (b) the clean special fuel tax certificate surcharge under Section 59-13-304(3); and724 (c) the sales and use tax amounts provided for in Section 59-12-103(6)(b), (8)(b), and
725 (9).726 (4) (a) The fund shall earn interest.727 (b) All interest earned on fund monies shall be deposited into the fund.728 (5) The executive director may use fund monies only to pay the costs of maintenance,
729 construction, reconstruction, or renovation to state and federal highways prioritized by the
730 Transportation Commission under a prioritization process for new transportation capacity
731 projects.732 Section 13. Section **72-7-404** is amended to read:733 **72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for**
734 **weight limitations -- Minimum mandatory fines.**

735 (1) (a) As used in this section:

736 (i) "Axle load" means the total load on all wheels whose centers may be included
737 between two parallel transverse vertical planes 40 inches apart.738 (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more
739 than 96 inches apart and having at least one common point of weight suspension.

740 (b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may

741 not carry a greater weight than the manufacturer's rating.

742 (2) (a) A vehicle may not be operated or moved on any highway in the state with:

743 (i) a gross weight in excess of 10,500 pounds on one wheel;

744 (ii) a single axle load in excess of 20,000 pounds; or

745 (iii) a tandem axle load in excess of 34,000 pounds.

746 (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle
747 or combination of vehicles may not exceed 80,000 pounds.

748 (3) (a) Subject to the limitations in Subsection (2), no group of two or more
749 consecutive axles between the first and last axle of a vehicle or combination of vehicles and no
750 vehicle or combination of vehicles may carry a gross weight in excess of the weight provided
751 by the following bridge formula, except as provided in Subsection (3)(b):

$$752 \quad W = 500 \{LN/(N-1) + 12N+36\}$$

753 (i) W = overall gross weight on any group of two or more consecutive axles to the
754 nearest 500 pounds.

755 (ii) L = distance in feet between the extreme of any group of two or more consecutive
756 axles. When the distance in feet includes a fraction of a foot of one inch or more the next
757 larger number of feet shall be used.

758 (iii) N = number of axles in the group under consideration.

759 (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds
760 each if the overall distance between the first and last axles of the consecutive sets of tandem
761 axles is 36 feet or more.

762 (4) Any exception to this section must be authorized by an overweight permit as
763 provided in Section 72-7-406.

764 (5) (a) Any person who violates this section is guilty of a class B misdemeanor except
765 that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest
766 minimum mandatory fine of either:

767 (i) [~~\$50~~] \$100 plus the sum of the overweight axle fines calculated under Subsection
768 (5)(b); or

769 (ii) [~~\$50~~] \$100 plus the gross vehicle weight fine calculated under Subsection (5)(b).

770 (b) The fine for each axle and a gross vehicle weight violation shall be calculated
771 according to the following schedule:

772	Number of Pounds	Axle Fine (Cents	Gross Vehicle
773	Overweight	per Pound for Each	Weight Fine
774		Overweight Axle)	(Cents per Pound)
775	1 - 2,000	0	0
776	2,001 - 5,000	[4] 8	[5] 10
777	5,001 - 8,000	[5] 10	[5] 10
778	8,001 - 12,000	[6] 12	[5] 10
779	12,001 - 16,000	[7] 14	[5] 10
780	16,001 - 20,000	[9] 18	[5] 10
781	20,001 - 25,000	[11] 22	[5] 10
782	25,001 or more	[13] 26	[5] 10

783 Section 14. Section **72-7-406** is amended to read:

784 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**
785 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**
786 **Penalty.**

787 (1) (a) The department may, upon receipt of an application and good cause shown,
788 issue in writing an oversize permit or an oversize and overweight permit. The oversize permit
789 or oversize and overweight permit may authorize the applicant to operate or move upon a
790 highway:

791 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the
792 maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total
793 gross weight; or

794 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
795 length provisions under Section 72-7-402.

796 (b) Except as provided under Subsection (8), an oversize and overweight permit may
797 not be issued under this section to allow the transportation of a load that is reasonably divisible.

798 (c) The maximum size or weight authorized by a permit under this section shall be
799 within limits that do not impair the state's ability to qualify for federal-aid highway funds.

800 (d) The department may deny or issue a permit under this section to protect the safety
801 of the traveling public and to protect highway foundation, surfaces, or structures from undue
802 damage by one or more of the following:

- 803 (i) limiting the number of trips the vehicle may make;
- 804 (ii) establishing seasonal or other time limits within which the vehicle may operate or
805 move on the highway indicated;
- 806 (iii) requiring security in addition to the permit to compensate for any potential damage
807 by the vehicle to any highway; and
- 808 (iv) otherwise limiting the conditions of operation or movement of the vehicle.
- 809 (e) Prior to granting a permit under this section, the department shall approve the route
810 of any vehicle or combination of vehicles.
- 811 (2) An application for a permit under this section shall state:
- 812 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
813 vehicle or combination of vehicles;
- 814 (b) the proposed maximum load size and maximum size of each vehicle or
815 combination of vehicles;
- 816 (c) the specific roads requested to be used under authority of the permit; and
- 817 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
818 apply.
- 819 (3) Each oversize permit or oversize and overweight permit shall be carried in the
820 vehicle or combination of vehicles to which it refers and shall be available for inspection by
821 any peace officer, special function officer, port of entry agent, or other personnel authorized by
822 the department.
- 823 (4) A permit under this section may not be issued or is not valid unless the vehicle or
824 combination of vehicles is:
- 825 (a) properly registered for the weight authorized by the permit; or
- 826 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden
827 weight authorized by the permit exceeds 80,000 pounds.
- 828 (5) (a) (i) An oversize permit may be issued under this section for a vehicle or
829 combination of vehicles that exceeds one or more of the maximum width, height, or length
830 provisions under Section 72-7-402.
- 831 (ii) Except for an annual oversize permit for an implement of husbandry under Section
832 72-7-407, only a single trip oversize permit may be issued for a vehicle or combination of
833 vehicles that is more than 14 feet six inches wide, 14 feet high, or 105 feet long.

834 (b) The fee is [~~\$25~~] \$27.50 for a single trip oversize permit under this Subsection (5).
835 This permit is valid for not more than 96 continuous hours.

836 (c) The fee is [~~\$60~~] \$66 for a semiannual oversize permit under this Subsection (5).
837 This permit is valid for not more than 180 continuous days.

838 (d) The fee is [~~\$75~~] \$82.50 for an annual oversize permit under this Subsection (5).
839 This permit is valid for not more than 365 continuous days.

840 (6) (a) An oversize and overweight permit may be issued under this section for a
841 vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the
842 maximum weight provisions of Section 72-7-404 by not more than 25%, except that the gross
843 weight may not exceed 125,000 pounds.

844 (b) The fee is [~~\$50~~] \$55 for a single trip oversize and overweight permit under this
845 Subsection (6). This permit is valid for not more than 96 continuous hours.

846 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for
847 not more than 180 continuous days. The fee for this permit is:

848 (i) [~~\$150~~] \$165 for a vehicle or combination of vehicles with gross vehicle weight of
849 more than 80,000 pounds, but not exceeding 84,000 pounds;

850 (ii) [~~\$260~~] \$286 for a vehicle or combination of vehicles with gross vehicle weight of
851 more than 84,000 pounds, but not exceeding 112,000 pounds; and

852 (iii) [~~\$350~~] \$385 for a vehicle or combination of vehicles with gross vehicle weight of
853 more than 112,000 pounds, but not exceeding 125,000 pounds.

854 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not
855 more than 365 continuous days. The fee for this permit is:

856 (i) [~~\$200~~] \$220 for a vehicle or combination of vehicles with gross vehicle weight of
857 more than 80,000 pounds, but not exceeding 84,000 pounds;

858 (ii) [~~\$400~~] \$440 for a vehicle or combination of vehicles with gross vehicle weight of
859 more than 84,000 pounds, but not exceeding 112,000 pounds; and

860 (iii) [~~\$450~~] \$495 for a vehicle or combination of vehicles with gross vehicle weight of
861 more than 112,000 pounds, but not exceeding 125,000 pounds.

862 (7) (a) A single trip oversize and overweight permit may be issued under this section
863 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more
864 of the maximum weight provisions of Section 72-7-404 by more than 25% or that exceeds a

865 gross weight of 125,000 pounds.

866 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
867 (7), which is valid for not more than 96 continuous hours, is [~~\$.01~~] \$.011 per mile for each
868 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

869 (ii) The minimum fee that may be charged under this Subsection (7) is [~~\$65~~] \$71.50.

870 (iii) The maximum fee that may be charged under this Subsection (7) is [~~\$450~~] \$495.

871 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up
872 to the nearest 50 mile increment.

873 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
874 to the nearest 25,000 pound increment.

875 (8) (a) An oversize and overweight permit may be issued under this section for a
876 vehicle or combination of vehicles carrying a divisible load if:

877 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

878 (ii) the length of the vehicle or combination of vehicles is:

879 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) but
880 not exceeding 81 feet in cargo carrying length and the application is for a single trip,
881 semiannual trip, or annual trip permit; or

882 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
883 carrying length and the application is for an annual trip permit.

884 (b) The fee is [~~\$50~~] \$55 for a single trip oversize and overweight permit under this
885 Subsection (8). The permit is valid for not more than 96 continuous hours.

886 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
887 which permit is valid for not more than 180 continuous days is:

888 (i) [~~\$150~~] \$165 for a vehicle or combination of vehicles with gross vehicle weight of
889 more than 80,000 pounds, but not exceeding 84,000 pounds;

890 (ii) [~~\$260~~] \$286 for a vehicle or combination of vehicles with gross vehicle weight of
891 more than 84,000 pounds, but not exceeding 112,000 pounds; and

892 (iii) [~~\$350~~] \$385 for a vehicle or combination of vehicles with gross vehicle weight of
893 more than 112,000 pounds, but not exceeding 129,000 pounds.

894 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
895 which permit is valid for not more than 365 continuous days is:

896 (i) [~~\$200~~] \$220 for a vehicle or combination of vehicles with gross vehicle weight of
897 more than 80,000 pounds, but not exceeding 84,000 pounds;

898 (ii) [~~\$400~~] \$440 for a vehicle or combination of vehicles with gross vehicle weight of
899 more than 84,000 pounds, but not exceeding 112,000 pounds; and

900 (iii) [~~\$450~~] 495 for a vehicle or combination of vehicles with gross vehicle weight of
901 more than 112,000 pounds, but not exceeding 129,000 pounds.

902 (9) Permits under Subsections (7) and (8) may be issued only upon authorization of the
903 commission.

904 (10) Permit fees collected under this section shall be credited monthly to the
905 Transportation Fund.

906 (11) The department shall prepare maps, drawings, and instructions as guidance when
907 issuing permits under this section.

908 (12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
909 the department shall make rules governing the issuance and revocation of all permits under this
910 section and Section 72-7-407.

911 (13) Any person who violates any of the terms or conditions of a permit issued under
912 this section:

913 (a) may have his permit revoked; and

914 (b) is guilty of a class B misdemeanor.

915 Section 15. **Effective date.**

916 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 12-7-04 8:43 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Legislative Committee Note
as of 12-09-04 7:55 AM

The Transportation Planning Task Force recommended this bill.

State Impact

This bill creates the Transportation Investment Fund (TIF). After general obligation bonds are paid off revenues currently going to the Centennial Highway Fund will be deposited into the new TIF. The bill increases certain motor vehicle fees estimated to increase revenues by \$24,635,000 to be deposited into the Transportation Investment Fund. In addition \$90,000,000 from the General Fund is to be deposited into the TIF in FY 2006 and 180,000,000 from the General Fund in FY 2007. Beginning in FY 2008 the bill will transfer .56% of the total general state sales tax base to the TIF estimated to be an ongoing amount of \$230,000,000.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$90,000,000	\$180,000,000	\$0	\$0
Restricted Funds	\$24,635,000	\$24,635,000	\$24,635,000	\$24,635,000
TOTAL	\$114,635,000	\$204,635,000	\$24,635,000	\$24,635,000

Individual and Business Impact

Individuals and businesses will be affected by the increased motor vehicle fees of \$24,635,000.
