

**MINUTES OF THE SENATE  
TRANSPORTATION & PUBLIC UTILITIES & TECHNOLOGY  
STANDING COMMITTEE  
TUESDAY, FEBRUARY 16, 2009, 2:00 P.M.  
ROOM 215, SENATE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Steve Urquhart, Chair  
Sen. Brent Goodfellow  
Sen. David Hinkins  
Sen. Peter Knusdon  
Sen. Karen Mayne  
Sen. Jerry Stevenson  
Sen. Kevin Van Tassell

Staff Present: Leif Elder, Policy Analyst  
Karen C. Allred, Secretary

Public Speakers Present: Judy Day, Past PTA President, Cascade Elementary School, Orem  
Dodi Sorenson, PTA President, Boulton Elementary  
Craig Bickmore, Director, New Car Dealers  
Frank Pignanelli, Alliance of Automobile Manufactures  
Lincoln Shurtz, General Motors  
Gary Thorpe, Recreational Vehicle Manufactures  
Wayne Jones, Executive Director, RV Dealers Association  
Gene Foulger, Owner, Certified Automotive  
Randy Lieber, Citizen  
Aaron Olsen, Consultant, DTE Energy  
Todd Bingham, Utah Mining Industry

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Urquhart called the meeting to order at 2:29 p.m.

**1. H.B. 103 -- Reduced Speed School Zone Amendments**

Rep. Sandstrom introduced and explained the bill.

Judy Day, Past PTA President, Cascade Elementary, Orem; and Dodi Sorenson, PTA President, Boulton Elementary spoke in favor of the bill.

**MOTION:** Sen. Goodfellow moved to adopt the following amendment:

1. *Page 1, Line 21:*

21            ~~{None}~~    **This bill provides an immediate effective date.**

2. *Page 3, Line 73:*

73    school crossing guards in accordance with this section.

**Section 2. Effective date.**

**If approved by two-thirds of all the members elected to each house, this bill takes**

effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

The motion passed unanimously with Sen. Hinkins absent for the vote.

**MOTION:** Sen. Goodfellow moved to pass H.B. 103 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Hinkins absent for the vote.

**MOTION:** Sen. Goodfellow moved to place H.B. 103 on the Consent Calendar.

The motion passed unanimously with Sen. Hinkins absent for the vote.

**2. S.B. 129 -- New Motor Vehicle Franchise Amendments**

**MOTION:** Sen. Knudson moved to replace S.B. 129 with 1st. Sub. S.B. 129.

The motion passed unanimously with Sen. Hinkins absent for the vote.

**MOTION:** Sen. Mayne moved to adopt the following amendments:

*1. Page 17, Lines 513 through 521:*

513 (8) A franchisee's claim for warranty compensation may [not] be denied [except for  
514 ~~good cause such as performance of nonwarranty repairs, lack of material documentation,  
fraud,~~  
515 ~~or misrepresentation.] only if:  
516 (a) the franchisee's claim is based on a nonwarranty repair;  
517 (b) the franchisee lacks material documentation for the claim;  
518 (c) the franchisee fails to comply materially with specific substantive terms and  
519 conditions of the franchisor's warranty compensation program; **or**  
520 (d) the franchisor has a bona fide belief based on competent evidence that the  
521 franchisee's claim is intentionally false, fraudulent, or misrepresented.~~

*2. Page 18, Lines 534 through 538:*

534 (ii) A franchisee may respond in writing within 30 days after the notice under  
535 Subsection (9)(c)(i) to:  
536 (A) explain a deficiency; or  
537 (B) provide materials or information to correct **and cure** compliance with a  
provision that is a

538 basis for a charge back.

The motion passed unanimously with Sen. Hinkins absent for the vote.

Sen. Liljenquist introduced and explained the bill.

Craig Bickmore, Utah Automobile Dealers; Lincoln Shurtz, General Motors; Frank Pignanelli, Alliance of Automobile Manufactures; and Wayne Jones, Executive Director, RV Dealers Association spoke in favor of the bill.

Gary Thorpe, Recreational Vehicle Manufactures spoke to the bill.

**MOTION:** Sen. Van Tassell moved to pass S.B. 129 out of committee with a favorable recommendation.

The motion passed unanimously.

### 3. **H.B. 70 2nd Sub. -- Retrofit Compressed Natural Gas Vehicles Amendments**

Rep. Draxler introduced and explained the bill.

Gene Foulger, Owner, Certified Automotive; and Randy Lieber, Citizen spoke in favor of the bill.

**MOTION:** Sen. Van Tassell moved to pass H.B. 70 2nd Sub. out of committee with a favorable recommendation.

The motion passed unanimously.

### 4. **H.B. 93 -- Motorcycle and Off-highway Vehicle Amendments**

Rep. Menlove introduced and explained the bill.

**MOTION:** Sen. Knudson moved to adopt the following amendment:

1. *Page 1, Line 22*

*House Committee Amendments*

*2-2-2010:*

- 22           •   wearing protective headgear at the time of operation; ~~{-and}~~ =
- ▶ provides that the failure to wear protective headgear:
- does not constitute contributory or comparative negligence on the part
- of a person seeking recovery for injuries; and
- may not be introduced as evidence in any civil litigation on the issue of

**negligence, injuries, or the mitigation of damages; and**

2. *Page 2, Line 50*

*House Committee Amendments*

*2-2-2010:*

50 Subsection (3) at the time of operation.

**(5) The failure to wear protective headgear:**

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

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

3. *Page 3, Line 71*

*House Committee Amendments*

*2-2-2010:*

71 Subsection (1) at the time of operation.

**(6) The failure to wear protective headgear:**

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

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

The motion passed unanimously.

**MOTION:** Sen. Mayne moved to pass H.B. 93 out of committee with a favorable recommendation.

The motion passed unanimously.

5. **H.B. 192 -- Renewable Energy -- Methane Gas**

Rep. Watkins introduced and explained the bill.

Aaron Olsen, Consultant, DTE Energy spoke in favor of the bill.

Todd Bingham, Utah Mining Industry spoke in opposition to the bill.

**MOTION:** Sen. Hinkins moved to adopt the following amendment:

1. *Page 5, Lines 129 through 132:*

129 (vi) waste gas and waste heat capture or recovery~~[; or]~~ whether or not it is renewable,

130 including methane gas from:

131 (A) an abandoned ~~{or working}~~ coal mine; or

132 (B) a coal degassing operation associated with a state-approved mine permit; or

2. *Page 10, Lines 276 through 279:*

276 (vi) waste gas and waste heat capture or recovery~~[; or]~~ whether or not it is renewable,

277 including methane gas from:

278 (A) an abandoned ~~{or working}~~ coal mine; or

279 (B) a coal degassing operation associated with a state-approved mine permit; or

The motion passed unanimously.

**MOTION:** Sen. Hinkins moved to pass H.B. 192 out of committee with a favorable recommendation.

The motion passed unanimously.

**MOTION:** Sen. Hinkins moved to place H.B. 192 on the Consent Calendar.

The motion passed unanimously.

### **Approval of Minutes**

**MOTION:** Sen. Van Tassell moved to approve the minutes of the February 9, 2010 meeting.

The motion passed unanimously

**MOTION:** Sen Van Tassell moved to adjourn.

The motion passed unanimously

Chair Urquhart adjourned the meeting at 3:59 P.M.

Minutes reported by Karen C. Secretary.

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Sen. Steve Urquhart, Committee Chair