

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to providing 911 emergency service.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the composition of the Utah Communications Authority Board;
- ▶ modifies the duties of the Utah Communications Authority;
- ▶ creates regional advisory committees that report to the Utah Communications Authority Board;
- ▶ imposes certain charges on each access line within the state, and provides for the collection of the charges and the distribution of the proceeds of the charges;
- ▶ directs the State Tax Commission to distribute the proceeds of a 911 emergency service charge to public safety answering points within the state according to a formula based on a public safety answering point's proportion of total 911 emergency communications;
- ▶ provides that a public agency may not establish a new public safety answering point after a certain day;
- ▶ directs the State Tax Commission to conduct an annual audit of certain access line providers;
- ▶ provides that the Utah Communications Authority may secure a bond by pledging a



- 28 state appropriation;
- 29 ▶ requires the Utah Communications Authority to meet with stakeholders to identify
- 30 existing communications sites and develop a plan for the public safety
- 31 communications network;
- 32 ▶ creates the Physical Consolidation Restricted Account;
- 33 ▶ provides future repeal dates;
- 34 ▶ provides future effective dates;
- 35 ▶ designates appropriations from certain restricted accounts as nonlapsing;
- 36 ▶ repeals certain advisory committees within the Utah Communications Authority;
- 37 ▶ allows the Utah Communications Authority to assess a service fee on a user of the
- 38 public safety communications network;
- 39 ▶ requires a county to conduct an audit of the county's emergency services under
- 40 certain circumstances; and
- 41 ▶ delegates, to the executive director of the Utah Communications Authority, certain
- 42 duties formerly assigned to divisions within the Utah Communications Authority.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49 **59-1-306**, as enacted by Laws of Utah 2011, Chapter 309
- 50 **59-1-401**, as last amended by Laws of Utah 2015, Chapter 369
- 51 **59-1-402**, as last amended by Laws of Utah 2012, Chapter 357
- 52 **59-1-1402**, as last amended by Laws of Utah 2016, Chapter 326
- 53 **59-12-107**, as last amended by Laws of Utah 2012, Chapters 178, 312, and 399
- 54 **59-12-108**, as last amended by Laws of Utah 2013, Chapter 50
- 55 **59-12-128**, as last amended by Laws of Utah 2011, Chapters 285 and 309
- 56 **63H-7a-102**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 57 **63H-7a-103**, as last amended by Laws of Utah 2016, Chapter 179
- 58 **63H-7a-201**, as renumbered and amended by Laws of Utah 2015, Chapter 411

- 59 [63H-7a-202](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 60 [63H-7a-203](#), as last amended by Laws of Utah 2016, Chapter 123
- 61 [63H-7a-204](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 62 [63H-7a-205](#), as last amended by Laws of Utah 2016, Chapter 123
- 63 [63H-7a-302](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 64 [63H-7a-303](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 65 [63H-7a-304](#), as renumbered and amended by Laws of Utah 2015, Chapter 411
- 66 [63H-7a-403](#), as last amended by Laws of Utah 2016, Chapter 123
- 67 [63H-7a-404](#), as enacted by Laws of Utah 2015, Chapter 411
- 68 [63H-7a-502](#), as last amended by Laws of Utah 2016, Chapters 123 and 179
- 69 [63H-7a-601](#), as enacted by Laws of Utah 2015, Chapter 411
- 70 [63H-7a-603](#), as last amended by Laws of Utah 2016, Chapter 348
- 71 [63H-7a-701](#), as last amended by Laws of Utah 2016, Chapter 123
- 72 [63H-7a-803](#), as last amended by Laws of Utah 2016, Chapter 123
- 73 [63I-1-269](#), as last amended by Laws of Utah 2014, Chapter 320
- 74 [63I-2-263](#), as last amended by Laws of Utah 2016, Third Special Session, Chapter 2
- 75 [63J-1-602.4](#), as last amended by Laws of Utah 2016, Chapters 193 and 240

76 ENACTS:

- 77 [63H-7a-207](#), Utah Code Annotated 1953
- 78 [63H-7a-208](#), Utah Code Annotated 1953
- 79 [63I-2-269](#), Utah Code Annotated 1953
- 80 [69-2-202](#), Utah Code Annotated 1953
- 81 [69-2-203](#), Utah Code Annotated 1953
- 82 [69-2-301](#), Utah Code Annotated 1953
- 83 [69-2-302](#), Utah Code Annotated 1953
- 84 [69-2-304](#), Utah Code Annotated 1953
- 85 [69-2-401](#), Utah Code Annotated 1953
- 86 [69-2-404](#), Utah Code Annotated 1953

87 RENUMBERS AND AMENDS:

- 88 [69-2-101](#), (Renumbered from 69-2-1, as enacted by Laws of Utah 1986, Chapter 33)
- 89 [69-2-102](#), (Renumbered from 69-2-2, as last amended by Laws of Utah 2016, Chapter

90 179)
 91 **69-2-201**, (Renumbered from 69-2-3, as last amended by Laws of Utah 2014, Chapter
 92 320)
 93 **69-2-303**, (Renumbered from 69-2-5.8, as enacted by Laws of Utah 2012, Chapter 326)
 94 **69-2-402**, (Renumbered from 69-2-5.5, as last amended by Laws of Utah 2016, Chapter
 95 179)
 96 **69-2-403**, (Renumbered from 69-2-5.6, as last amended by Laws of Utah 2016, Chapter
 97 179)
 98 **69-2-405**, (Renumbered from 69-2-5.7, as last amended by Laws of Utah 2016, Chapter
 99 179)
 100 **69-2-501**, (Renumbered from 69-2-6, as enacted by Laws of Utah 1986, Chapter 33)
 101 **69-2-502**, (Renumbered from 69-2-7, as last amended by Laws of Utah 2015, Chapter
 102 411)
 103 **69-2-503**, (Renumbered from 69-2-8, as last amended by Laws of Utah 2014, Chapter
 104 36)

105 REPEALS AND REENACTS:

106 **63H-7a-206**, as last amended by Laws of Utah 2016, Chapters 123 and 179
 107 **63H-7a-602**, as renumbered and amended by Laws of Utah 2015, Chapter 411

108 REPEALS:

109 **63H-7a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 411
 110 **63H-7a-306**, as renumbered and amended by Laws of Utah 2015, Chapter 411
 111 **63H-7a-307**, as last amended by Laws of Utah 2016, Chapter 123
 112 **63H-7a-405**, as last amended by Laws of Utah 2016, Chapter 123
 113 **63H-7a-504**, as last amended by Laws of Utah 2016, Chapter 123
 114 **69-2-4**, as last amended by Laws of Utah 2014, Chapter 320
 115 **69-2-5**, as last amended by Laws of Utah 2016, Chapter 179

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

118 Section 1. Section **59-1-306** is amended to read:

119 **59-1-306. Definition -- State Tax Commission Administrative Charge Account --**
 120 **Amount of administrative charge -- Deposit of revenues into the restricted account --**

121 **Interest deposited into General Fund -- Expenditure of money deposited into the**
 122 **restricted account.**

123 (1) As used in this section, "qualifying tax, fee, or charge" means a tax, fee, or charge
 124 the commission administers under:

125 ~~[(b)]~~ (a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

126 ~~[(c)]~~ (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

127 ~~[(d)]~~ (c) Section 19-6-714;

128 ~~[(e)]~~ (d) Section 19-6-805;

129 ~~[(a)]~~ (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1,
 130 Tax Collection, or Chapter 12, Part 18, Additional State Sales and Use Tax Act;

131 (f) Section 59-27-105; or

132 ~~[(g)]~~ Section 69-2-5;]

133 ~~[(h)]~~ Section 69-2-5.5; or]

134 ~~[(i)]~~ Section 69-2-5.6;]

135 (g) Title 69, Chapter 2, Part 4, Emergency Service Charges.

136 (2) There is created a restricted account within the General Fund known as the "State
 137 Tax Commission Administrative Charge Account."

138 (3) Subject to the other provisions of this section, the restricted account shall consist of
 139 administrative charges the commission retains and deposits in accordance with this section.

140 (4) For purposes of this section, the administrative charge is a percentage of revenues
 141 the commission collects from each qualifying tax, fee, or charge of not to exceed the lesser of:

142 (a) 1.5%; or

143 (b) an equal percentage of revenues the commission collects from each qualifying tax,
 144 fee, or charge sufficient to cover the cost to the commission of administering the qualifying
 145 taxes, fees, or charges.

146 (5) The commission shall deposit an administrative charge into the restricted account.

147 (6) Interest earned on the restricted account shall be deposited into the General Fund.

148 (7) The commission shall expend money appropriated by the Legislature to the
 149 commission from the restricted account to administer qualifying taxes, fees, or charges.

150 Section 2. Section 59-1-401 is amended to read:

151 **59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute**

152 **of limitations -- Commission authority to waive, reduce, or compromise penalty or**
153 **interest.**

154 (1) As used in this section:

155 (a) "Activated tax, fee, or charge" means a tax, fee, or charge with respect to which the
156 commission:

157 (i) has implemented the commission's GenTax system; and

158 (ii) at least 30 days before implementing the commission's GenTax system as described
159 in Subsection (1)(a)(i), has provided notice in a conspicuous place on the commission's website
160 stating:

161 (A) the date the commission will implement the GenTax system with respect to the tax,
162 fee, or charge; and

163 (B) that, at the time the commission implements the GenTax system with respect to the
164 tax, fee, or charge:

165 (I) a person that files a return after the due date as described in Subsection (2)(a) is
166 subject to the penalty described in Subsection (2)(c)(ii); and

167 (II) a person that fails to pay the tax, fee, or charge as described in Subsection (3)(a) is
168 subject to the penalty described in Subsection (3)(b)(ii).

169 (b) "Activation date for a tax, fee, or charge" means with respect to a tax, fee, or
170 charge, the later of:

171 (i) the date on which the commission implements the commission's GenTax system
172 with respect to the tax, fee, or charge; or

173 (ii) 30 days after the date the commission provides the notice described in Subsection
174 (1)(a)(ii) with respect to the tax, fee, or charge.

175 (c) (i) Except as provided in Subsection (1)(c)(ii), "tax, fee, or charge" means:

176 (A) a tax, fee, or charge the commission administers under:

177 (I) this title;

178 (II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

179 (III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

180 (IV) Section 19-6-410.5;

181 (V) Section 19-6-714;

182 (VI) Section 19-6-805;

- 183 (VII) Section [32B-2-304](#);
- 184 (VIII) Section [34A-2-202](#);
- 185 (IX) Section [40-6-14](#); or
- 186 [~~(X) Section [69-2-5](#);~~]
- 187 [~~(XI) Section [69-2-5.5](#); or~~]
- 188 [~~(XII) Section [69-2-5.6](#); or~~]
- 189 (X) Title 69, Chapter 2, Part 4, Emergency Service Charges; or
- 190 (B) another amount that by statute is subject to a penalty imposed under this section.
- 191 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
- 192 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section [41-1a-301](#);
- 193 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- 194 (C) Chapter 2, Property Tax Act, except for Section [59-2-1309](#);
- 195 (D) Chapter 3, Tax Equivalent Property Act; or
- 196 (E) Chapter 4, Privilege Tax.
- 197 (d) "Unactivated tax, fee, or charge" means a tax, fee, or charge except for an activated
- 198 tax, fee, or charge.
- 199 (2) (a) The due date for filing a return is:
- 200 (i) if the person filing the return is not allowed by law an extension of time for filing
- 201 the return, the day on which the return is due as provided by law; or
- 202 (ii) if the person filing the return is allowed by law an extension of time for filing the
- 203 return, the earlier of:
- 204 (A) the date the person files the return; or
- 205 (B) the last day of that extension of time as allowed by law.
- 206 (b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a
- 207 return after the due date described in Subsection (2)(a).
- 208 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:
- 209 (i) if the return described in Subsection (2)(b) is filed with respect to an unactivated
- 210 tax, fee, or charge:
- 211 (A) \$20; or
- 212 (B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or
- 213 (ii) if the return described in Subsection (2)(b) is filed with respect to an activated tax,

214 fee, or charge, beginning on the activation date for the tax, fee, or charge:
215 (A) \$20; or
216 (B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the return is
217 filed no later than five days after the due date described in Subsection (2)(a);
218 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the return is filed
219 more than five days after the due date but no later than 15 days after the due date described in
220 Subsection (2)(a); or
221 (III) 10% of the unpaid activated tax, fee, or charge due on the return if the return is
222 filed more than 15 days after the due date described in Subsection (2)(a).
223 (d) This Subsection (2) does not apply to:
224 (i) an amended return; or
225 (ii) a return with no tax due.
226 (3) (a) A person is subject to a penalty for failure to pay a tax, fee, or charge if:
227 (i) the person files a return on or before the due date for filing a return described in
228 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due
229 date;
230 (ii) the person:
231 (A) is subject to a penalty under Subsection (2)(b); and
232 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the
233 due date for filing a return described in Subsection (2)(a);
234 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and
235 (B) the commission estimates an amount of tax due for that person in accordance with
236 Subsection [59-1-1406\(2\)](#);
237 (iv) the person:
238 (A) is mailed a notice of deficiency; and
239 (B) within a 30-day period after the day on which the notice of deficiency described in
240 Subsection (3)(a)(iv)(A) is mailed:
241 (I) does not file a petition for redetermination or a request for agency action; and
242 (II) fails to pay the tax, fee, or charge due on a return;
243 (v) (A) the commission:
244 (I) issues an order constituting final agency action resulting from a timely filed petition

245 for redetermination or a timely filed request for agency action; or

246 (II) is considered to have denied a request for reconsideration under Subsection
247 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed
248 request for agency action; and

249 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day period
250 after the date the commission:

251 (I) issues the order constituting final agency action described in Subsection
252 (3)(a)(v)(A)(I); or

253 (II) is considered to have denied the request for reconsideration described in
254 Subsection (3)(a)(v)(A)(II); or

255 (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date
256 of a final judicial decision resulting from a timely filed petition for judicial review.

257 (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:

258 (i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with
259 respect to an unactivated tax, fee, or charge:

260 (A) \$20; or

261 (B) 10% of the unpaid unactivated tax, fee, or charge due on the return; or

262 (ii) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with
263 respect to an activated tax, fee, or charge, beginning on the activation date:

264 (A) \$20; or

265 (B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the activated
266 tax, fee, or charge due on the return is paid no later than five days after the due date for filing a
267 return described in Subsection (2)(a);

268 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the activated tax,
269 fee, or charge due on the return is paid more than five days after the due date for filing a return
270 described in Subsection (2)(a) but no later than 15 days after that due date; or

271 (III) 10% of the unpaid activated tax, fee, or charge due on the return if the activated
272 tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a
273 return described in Subsection (2)(a).

274 (4) (a) Beginning January 1, 1995, in the case of any underpayment of estimated tax or
275 quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there

276 shall be added a penalty in an amount determined by applying the interest rate provided under
277 Section 59-1-402 plus four percentage points to the amount of the underpayment for the period
278 of the underpayment.

279 (b) (i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the
280 excess of the required installment over the amount, if any, of the installment paid on or before
281 the due date for the installment.

282 (ii) The period of the underpayment shall run from the due date for the installment to
283 whichever of the following dates is the earlier:

284 (A) the original due date of the tax return, without extensions, for the taxable year; or

285 (B) with respect to any portion of the underpayment, the date on which that portion is
286 paid.

287 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited
288 against unpaid required installments in the order in which the installments are required to be
289 paid.

290 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a
291 person allowed by law an extension of time for filing a corporate franchise or income tax return
292 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return
293 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in
294 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not
295 including the extension of time, the person fails to pay:

296 (i) for a person filing a corporate franchise or income tax return under Chapter 7,

297 Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or

298 (ii) for a person filing an individual income tax return under Chapter 10, Individual
299 Income Tax Act, the payment required by Subsection 59-10-516(2).

300 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the
301 extension of time for filing the return is an amount equal to 2% of the tax due on the return,
302 unpaid as of the day on which the return is due as provided by law.

303 (6) If a person does not file a return within an extension of time allowed by Section
304 59-7-505 or 59-10-516, the person:

305 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and

306 (b) is subject to a penalty in an amount equal to the sum of:

- 307 (i) a late file penalty in an amount equal to the greater of:
308 (A) \$20; or
309 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as
310 provided by law, not including the extension of time; and
311 (ii) a late pay penalty in an amount equal to the greater of:
312 (A) \$20; or
313 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is
314 due as provided by law, not including the extension of time.
- 315 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided
316 in this Subsection (7)(a).
- 317 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax,
318 fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that
319 is due to negligence.
- 320 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a
321 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire
322 underpayment.
- 323 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge,
324 the penalty is the greater of \$500 per period or 50% of the entire underpayment.
- 325 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or
326 charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.
- 327 (b) If the commission determines that a person is liable for a penalty imposed under
328 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed
329 penalty.
- 330 (i) The notice of proposed penalty shall:
331 (A) set forth the basis of the assessment; and
332 (B) be mailed by certified mail, postage prepaid, to the person's last-known address.
- 333 (ii) Upon receipt of the notice of proposed penalty, the person against whom the
334 penalty is proposed may:
335 (A) pay the amount of the proposed penalty at the place and time stated in the notice;
336 or
337 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).

338 (iii) A person against whom a penalty is proposed in accordance with this Subsection
339 (7) may contest the proposed penalty by filing a petition for an adjudicative proceeding with
340 the commission.

341 (iv) (A) If the commission determines that a person is liable for a penalty under this
342 Subsection (7), the commission shall assess the penalty and give notice and demand for
343 payment.

344 (B) The commission shall mail the notice and demand for payment described in
345 Subsection (7)(b)(iv)(A):

346 (I) to the person's last-known address; and

347 (II) in accordance with Section 59-1-1404.

348 (c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
349 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:

350 (i) a court of competent jurisdiction issues a final unappealable judgment or order
351 determining that:

352 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
353 or is a seller required to pay or collect and remit sales and use taxes under Subsection
354 59-12-107(2)(b); and

355 (B) the commission or a county, city, or town may require the seller to collect a tax
356 under Subsections 59-12-103(2)(a) through (d); or

357 (ii) the commission issues a final unappealable administrative order determining that:

358 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
359 or is a seller required to pay or collect and remit sales and use taxes under Subsection
360 59-12-107(2)(b); and

361 (B) the commission or a county, city, or town may require the seller to collect a tax
362 under Subsections 59-12-103(2)(a) through (d).

363 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
364 subject to the penalty under Subsection (7)(a)(ii) if:

365 (i) (A) a court of competent jurisdiction issues a final unappealable judgment or order
366 determining that:

367 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
368 or is a seller required to pay or collect and remit sales and use taxes under Subsection

369 59-12-107(2)(b); and

370 (II) the commission or a county, city, or town may require the seller to collect a tax
371 under Subsections 59-12-103(2)(a) through (d); or

372 (B) the commission issues a final unappealable administrative order determining that:

373 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
374 or is a seller required to pay or collect and remit sales and use taxes under Subsection
375 59-12-107(2)(b); and

376 (II) the commission or a county, city, or town may require the seller to collect a tax
377 under Subsections 59-12-103(2)(a) through (d); and

378 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by a
379 nonfrivolous argument for the extension, modification, or reversal of existing law or the
380 establishment of new law.

381 (8) (a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an
382 information return, information report, or a complete supporting schedule is \$50 for each
383 information return, information report, or supporting schedule up to a maximum of \$1,000.

384 (b) If an employer is subject to a penalty under Subsection (13), the employer may not
385 be subject to a penalty under Subsection (8)(a).

386 (c) If an employer is subject to a penalty under this Subsection (8) for failure to file a
387 return in accordance with Subsection 59-10-406(3) on or before the due date described in
388 Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this
389 Subsection (8) unless the return is filed more than 14 days after the due date described in
390 Subsection 59-10-406(3)(b)(ii).

391 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay
392 or impede administration of a law relating to a tax, fee, or charge and files a purported return
393 that fails to contain information from which the correctness of reported tax, fee, or charge
394 liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is
395 substantially incorrect, the penalty is \$500.

396 (10) (a) A seller that fails to remit a tax, fee, or charge monthly as required by
397 Subsection 59-12-108(1)(a):

398 (i) is subject to a penalty described in Subsection (2); and

399 (ii) may not retain the percentage of sales and use taxes that would otherwise be

400 allowable under Subsection 59-12-108(2).

401 (b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as
402 required by Subsection 59-12-108(1)(a)(ii)(B):

403 (i) is subject to a penalty described in Subsection (2); and

404 (ii) may not retain the percentage of sales and use taxes that would otherwise be
405 allowable under Subsection 59-12-108(2).

406 (11) (a) A person is subject to the penalty provided in Subsection (11)(c) if that person:

407 (i) commits an act described in Subsection (11)(b) with respect to one or more of the
408 following documents:

409 (A) a return;

410 (B) an affidavit;

411 (C) a claim; or

412 (D) a document similar to Subsections (11)(a)(i)(A) through (C);

413 (ii) knows or has reason to believe that the document described in Subsection (11)(a)(i)
414 will be used in connection with any material matter administered by the commission; and

415 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection
416 with any material matter administered by the commission, would result in an understatement of
417 another person's liability for a tax, fee, or charge.

418 (b) The following acts apply to Subsection (11)(a)(i):

419 (i) preparing any portion of a document described in Subsection (11)(a)(i);

420 (ii) presenting any portion of a document described in Subsection (11)(a)(i);

421 (iii) procuring any portion of a document described in Subsection (11)(a)(i);

422 (iv) advising in the preparation or presentation of any portion of a document described
423 in Subsection (11)(a)(i);

424 (v) aiding in the preparation or presentation of any portion of a document described in
425 Subsection (11)(a)(i);

426 (vi) assisting in the preparation or presentation of any portion of a document described
427 in Subsection (11)(a)(i); or

428 (vii) counseling in the preparation or presentation of any portion of a document
429 described in Subsection (11)(a)(i).

430 (c) For purposes of Subsection (11)(a), the penalty:

- 431 (i) shall be imposed by the commission;
- 432 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which
433 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and
434 (iii) is in addition to any other penalty provided by law.
- 435 (d) The commission may seek a court order to enjoin a person from engaging in
436 conduct that is subject to a penalty under this Subsection (11).
- 437 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
438 commission may make rules prescribing the documents that are similar to Subsections
439 (11)(a)(i)(A) through (C).
- 440 (12) (a) As provided in Section 76-8-1101, criminal offenses and penalties are as
441 provided in Subsections (12)(b) through (e).
- 442 (b) (i) A person who is required by this title or any laws the commission administers or
443 regulates to register with or obtain a license or permit from the commission, who operates
444 without having registered or secured a license or permit, or who operates when the registration,
445 license, or permit is expired or not current, is guilty of a class B misdemeanor.
- 446 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the
447 penalty may not:
- 448 (A) be less than \$500; or
449 (B) exceed \$1,000.
- 450 (c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,
451 and without a reasonable good faith basis, fails to make, render, sign, or verify a return within
452 the time required by law or to supply information within the time required by law, or who
453 makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false
454 or fraudulent information, is guilty of a third degree felony.
- 455 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the
456 penalty may not:
- 457 (A) be less than \$1,000; or
458 (B) exceed \$5,000.
- 459 (d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or
460 charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law,
461 guilty of a second degree felony.

462 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the
463 penalty may not:

464 (A) be less than \$1,500; or

465 (B) exceed \$25,000.

466 (e) (i) A person is guilty of a second degree felony if that person commits an act:

467 (A) described in Subsection (12)(e)(ii) with respect to one or more of the following
468 documents:

469 (I) a return;

470 (II) an affidavit;

471 (III) a claim; or

472 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and

473 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described in
474 Subsection (12)(e)(i)(A):

475 (I) is false or fraudulent as to any material matter; and

476 (II) could be used in connection with any material matter administered by the
477 commission.

478 (ii) The following acts apply to Subsection (12)(e)(i):

479 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);

480 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);

481 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);

482 (D) advising in the preparation or presentation of any portion of a document described
483 in Subsection (12)(e)(i)(A);

484 (E) aiding in the preparation or presentation of any portion of a document described in
485 Subsection (12)(e)(i)(A);

486 (F) assisting in the preparation or presentation of any portion of a document described
487 in Subsection (12)(e)(i)(A); or

488 (G) counseling in the preparation or presentation of any portion of a document
489 described in Subsection (12)(e)(i)(A).

490 (iii) This Subsection (12)(e) applies:

491 (A) regardless of whether the person for which the document described in Subsection
492 (12)(e)(i)(A) is prepared or presented:

493 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or
494 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and
495 (B) in addition to any other penalty provided by law.

496 (iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (12)(e), the
497 penalty may not:

498 (A) be less than \$1,500; or

499 (B) exceed \$25,000.

500 (v) The commission may seek a court order to enjoin a person from engaging in
501 conduct that is subject to a penalty under this Subsection (12)(e).

502 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
503 the commission may make rules prescribing the documents that are similar to Subsections
504 (12)(e)(i)(A)(I) through (III).

505 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is
506 the later of six years:

507 (i) from the date the tax should have been remitted; or

508 (ii) after the day on which the person commits the criminal offense.

509 (13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with
510 the commission in accordance with Subsection 59-10-406(8) is subject to a penalty described
511 in Subsection (13)(b) if the employer:

512 (i) fails to file the form with the commission in an electronic format approved by the
513 commission as required by Subsection 59-10-406(8);

514 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406(8);

515 (iii) fails to provide accurate information on the form; or

516 (iv) fails to provide all of the information required by the Internal Revenue Service to
517 be contained on the form.

518 (b) For purposes of Subsection (13)(a), the penalty is:

519 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the
520 form in accordance with Subsection 59-10-406(8), more than 14 days after the due date
521 provided in Subsection 59-10-406(8) but no later than 30 days after the due date provided in
522 Subsection 59-10-406(8);

523 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the

524 form in accordance with Subsection 59-10-406(8), more than 30 days after the due date
525 provided in Subsection 59-10-406(8) but on or before June 1; or

526 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

527 (A) files the form in accordance with Subsection 59-10-406(8) after June 1; or

528 (B) fails to file the form.

529 (14) Upon making a record of its actions, and upon reasonable cause shown, the
530 commission may waive, reduce, or compromise any of the penalties or interest imposed under
531 this part.

532 Section 3. Section 59-1-402 is amended to read:

533 **59-1-402. Definitions -- Interest.**

534 (1) As used in this section:

535 (a) "Final judicial decision" means a final ruling by a court of this state or the United
536 States for which the time for any further review or proceeding has expired.

537 (b) "Retroactive application of a judicial decision" means the application of a final
538 judicial decision that:

539 (i) invalidates a state or federal taxation statute; and

540 (ii) requires the state to provide a refund for an overpayment that was made:

541 (A) prior to the final judicial decision; or

542 (B) during the 180-day period after the final judicial decision.

543 (c) (i) Except as provided in Subsection (1)(c)(ii), "tax, fee, or charge" means:

544 (A) a tax, fee, or charge the commission administers under:

545 (I) this title;

546 (II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

547 (III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

548 (IV) Section 19-6-410.5;

549 (V) Section 19-6-714;

550 (VI) Section 19-6-805;

551 (VII) Section 32B-2-304;

552 (VIII) Section 34A-2-202;

553 (IX) Section 40-6-14; or

554 [~~(X) Section 69-2-5;~~]

555 [~~(XI) Section 69-2-5.5; or~~]

556 [~~(XII) Section 69-2-5.6; or~~]

557 (X) Title 69, Chapter 2, Part 4, Emergency Service Charges; or

558 (B) another amount that by statute is subject to interest imposed under this section.

559 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

560 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;

561 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

562 (C) Chapter 2, Property Tax Act, except for Section 59-2-1309;

563 (D) Chapter 3, Tax Equivalent Property Act;

564 (E) Chapter 4, Privilege Tax; or

565 (F) Chapter 13, Part 5, Interstate Agreements.

566 (2) Except as otherwise provided for by law, the interest rate for a calendar year for a
567 tax, fee, or charge administered by the commission shall be calculated based on the federal
568 short-term rate determined by the Secretary of the Treasury under Section 6621, Internal
569 Revenue Code, in effect for the preceding fourth calendar quarter.

570 (3) The interest rate calculation shall be as follows:

571 (a) except as provided in Subsection (7), in the case of an overpayment or refund,
572 simple interest shall be calculated at the rate of two percentage points above the federal
573 short-term rate; or

574 (b) in the case of an underpayment, deficiency, or delinquency, simple interest shall be
575 calculated at the rate of two percentage points above the federal short-term rate.

576 (4) Notwithstanding Subsection (2) or (3), the interest rate applicable to certain
577 installment sales for purposes of a tax under Chapter 7, Corporate Franchise and Income Taxes,
578 shall be determined in accordance with Section 453A, Internal Revenue Code, as provided in
579 Section 59-7-112.

580 (5) (a) Except as provided in Subsection (5)(c), interest may not be allowed on an
581 overpayment of a tax, fee, or charge if the overpayment of the tax, fee, or charge is refunded
582 within:

583 (i) 45 days after the last date prescribed for filing the return with respect to a tax under
584 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act,
585 if the return is filed electronically; or

586 (ii) 90 days after the last date prescribed for filing the return:
587 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate
588 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or
589 (B) if the return is not filed electronically.
590 (b) Except as provided in Subsection (5)(c), if the return is filed after the last date
591 prescribed for filing the return, interest may not be allowed on the overpayment if the
592 overpayment is refunded within:
593 (i) 45 days after the date the return is filed:
594 (A) with respect to a tax under Chapter 7, Corporate Franchise and Income Taxes, or
595 Chapter 10, Individual Income Tax Act; and
596 (B) if the return is filed electronically; or
597 (ii) 90 days after the date the return is filed:
598 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate
599 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or
600 (B) if the return is not filed electronically.
601 (c) (i) In the case of an amended return, interest on an overpayment shall be allowed:
602 (A) for a time period:
603 (I) that begins on the later of:
604 (Aa) the date the original return was filed; or
605 (Bb) the due date for filing the original return not including any extensions for filing
606 the original return; and
607 (II) that ends on the date the commission receives the amended return; and
608 (B) if the commission does not make a refund of an overpayment under this Subsection
609 (5)(c):
610 (I) if the amended return is with respect to a tax under Chapter 7, Corporate Franchise
611 and Income Taxes, or Chapter 10, Individual Income Tax Act, and is filed electronically,
612 within a 45-day period after the date the commission receives the amended return, for a time
613 period:
614 (Aa) that begins 46 days after the commission receives the amended return; and
615 (Bb) subject to Subsection (5)(c)(ii), that ends on the date that the commission
616 completes processing the refund of the overpayment; or

617 (II) if the amended return is with respect to a tax, fee, or charge except for a tax under
618 Chapter 7, Corporate Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act,
619 or is not filed electronically, within a 90-day period after the date the commission receives the
620 amended return, for a time period:

621 (Aa) that begins 91 days after the commission receives the amended return; and

622 (Bb) subject to Subsection (5)(c)(ii), that ends on the date that the commission
623 completes processing the refund of the overpayment.

624 (ii) For purposes of Subsection (5)(c)(i)(B)(I)(Bb) or (5)(c)(i)(B)(II)(Bb), interest shall
625 be calculated forward from the preparation date of the refund document to allow for
626 processing.

627 (6) Interest on any underpayment, deficiency, or delinquency of a tax, fee, or charge
628 shall be computed from the time the original return is due, excluding any filing or payment
629 extensions, to the date the payment is received.

630 (7) Interest on a refund relating to a tax, fee, or charge may not be paid on any
631 overpayment that arises from a statute that is determined to be invalid under state or federal
632 law or declared unconstitutional under the constitution of the United States or Utah if the basis
633 for the refund is the retroactive application of a judicial decision upholding the claim of
634 unconstitutionality or the invalidation of a statute.

635 Section 4. Section **59-1-1402** is amended to read:

636 **59-1-1402. Definitions.**

637 As used in this part:

638 (1) "Administrative cost" means a fee imposed to cover:

639 (a) the cost of filing;

640 (b) the cost of administering a garnishment;

641 (c) the amount the commission pays to a depository institution in accordance with

642 [~~Title 59, Chapter 1,~~] Part 17, Depository Institution Data Match System and Levy Act; or

643 (d) a cost similar to Subsections (1)(a) through (c) as determined by the commission by
644 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

645 (2) "Books and records" means the following made available in printed or electronic
646 format:

647 (a) an account;

- 648 (b) a book;
- 649 (c) an invoice;
- 650 (d) a memorandum;
- 651 (e) a paper;
- 652 (f) a record; or
- 653 (g) an item similar to Subsections (2)(a) through (f) as determined by the commission
- 654 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 655 (3) "Deficiency" means:
- 656 (a) the amount by which a tax, fee, or charge exceeds the difference between:
- 657 (i) the sum of:
- 658 (A) the amount shown as the tax, fee, or charge by a person on the person's return; and
- 659 (B) any amount previously assessed, or collected without assessment, as a deficiency;
- 660 and
- 661 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect
- 662 to that tax, fee, or charge; or
- 663 (b) if a person does not show an amount as a tax, fee, or charge on the person's return,
- 664 or if a person does not make a return, the amount by which the tax, fee, or charge exceeds:
- 665 (i) the amount previously assessed, or collected without assessment, as a deficiency;
- 666 and
- 667 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect
- 668 to that tax, fee, or charge.
- 669 (4) "Garnishment" means any legal or equitable procedure through which one or more
- 670 of the following are required to be withheld for payment of an amount a person owes:
- 671 (a) an asset of the person held by another person; or
- 672 (b) the earnings of the person.
- 673 (5) "Liability" means the following that a person is required to remit to the
- 674 commission:
- 675 (a) a tax, fee, or charge;
- 676 (b) an addition to a tax, fee, or charge;
- 677 (c) an administrative cost;
- 678 (d) interest that accrues in accordance with Section [59-1-402](#); or

- 679 (e) a penalty that accrues in accordance with Section 59-1-401.
- 680 (6) (a) Subject to Subsection (6)(b), "mathematical error" is as defined in Section
681 6213(g)(2), Internal Revenue Code.
- 682 (b) The reference to Section 6213(g)(2), Internal Revenue Code, in Subsection (6)(a)
683 means:
- 684 (i) the reference to Section 6213(g)(2), Internal Revenue Code, in effect for the taxable
685 year; or
- 686 (ii) a corresponding or comparable provision of the Internal Revenue Code as
687 amended, redesignated, or reenacted.
- 688 (7) (a) Except as provided in Subsection (7)(b), "tax, fee, or charge" means:
- 689 (i) a tax, fee, or charge the commission administers under:
- 690 (A) this title;
- 691 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 692 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 693 (D) Section 19-6-410.5;
- 694 (E) Section 19-6-714;
- 695 (F) Section 19-6-805;
- 696 (G) Section 32B-2-304;
- 697 (H) Section 34A-2-202;
- 698 (I) Section 40-6-14; or
- 699 [~~(J) Section 69-2-5;~~]
- 700 [~~(K) Section 69-2-5.5; or~~]
- 701 [~~(L) Section 69-2-5.6; or~~]
- 702 (J) Title 69, Chapter 2, Part 4, Emergency Service Charges; or
- 703 (ii) another amount that by statute is administered by the commission.
- 704 (b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
- 705 (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
- 706 (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- 707 (iii) Chapter 2, Property Tax Act;
- 708 (iv) Chapter 3, Tax Equivalent Property Act;
- 709 (v) Chapter 4, Privilege Tax; or

710 (vi) Chapter 13, Part 5, Interstate Agreements.
711 (8) "Transferee" means:
712 (a) a devisee;
713 (b) a distributee;
714 (c) a donee;
715 (d) an heir;
716 (e) a legatee; or
717 (f) a person similar to Subsections (8)(a) through (e) as determined by the commission
718 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
719 Section 5. Section **59-12-107** is amended to read:

720 **59-12-107. Definitions -- Collection, remittance, and payment of tax by sellers or**
721 **other persons -- Returns -- Reports -- Direct payment by purchaser of vehicle -- Other**
722 **liability for collection -- Rulemaking authority -- Credits -- Treatment of bad debt --**
723 **Penalties and interest.**

724 (1) As used in this section:
725 (a) "Ownership" means direct ownership or indirect ownership through a parent,
726 subsidiary, or affiliate.
727 (b) "Related seller" means a seller that:
728 (i) meets one or more of the criteria described in Subsection (2)(a)(i); and
729 (ii) delivers tangible personal property, a service, or a product transferred electronically
730 that is sold:
731 (A) by a seller that does not meet one or more of the criteria described in Subsection
732 (2)(a)(i); and
733 (B) to a purchaser in the state.
734 (c) "Substantial ownership interest" means an ownership interest in a business entity if
735 that ownership interest is greater than the degree of ownership of equity interest specified in 15
736 U.S.C. Sec. 78p, with respect to a person other than a director or an officer.
737 (2) (a) Except as provided in Subsection (2)(e), Section [59-12-107.1](#), or Section
738 [59-12-123](#), and subject to Subsection (2)(f), each seller shall pay or collect and remit the sales
739 and use taxes imposed by this chapter if within this state the seller:
740 (i) has or utilizes:

- 741 (A) an office;
- 742 (B) a distribution house;
- 743 (C) a sales house;
- 744 (D) a warehouse;
- 745 (E) a service enterprise; or
- 746 (F) a place of business similar to Subsections (2)(a)(i)(A) through (E);
- 747 (ii) maintains a stock of goods;
- 748 (iii) regularly solicits orders, regardless of whether or not the orders are accepted in the
- 749 state, unless the seller's only activity in the state is:
- 750 (A) advertising; or
- 751 (B) solicitation by:
- 752 (I) direct mail;
- 753 (II) electronic mail;
- 754 (III) the Internet;
- 755 (IV) telecommunications service; or
- 756 (V) a means similar to Subsection (2)(a)(iii)(A) or (B);
- 757 (iv) regularly engages in the delivery of property in the state other than by:
- 758 (A) common carrier; or
- 759 (B) United States mail; or
- 760 (v) regularly engages in an activity directly related to the leasing or servicing of
- 761 property located within the state.
- 762 (b) A seller is considered to be engaged in the business of selling tangible personal
- 763 property, a service, or a product transferred electronically for use in the state, and shall pay or
- 764 collect and remit the sales and use taxes imposed by this chapter if:
- 765 (i) the seller holds a substantial ownership interest in, or is owned in whole or in
- 766 substantial part by, a related seller; and
- 767 (ii) (A) the seller sells the same or a substantially similar line of products as the related
- 768 seller and does so under the same or a substantially similar business name; or
- 769 (B) the place of business described in Subsection (2)(a)(i) of the related seller or an in
- 770 state employee of the related seller is used to advertise, promote, or facilitate sales by the seller
- 771 to a purchaser.

772 (c) A seller that does not meet one or more of the criteria provided for in Subsection
773 (2)(a) or is not a seller required to pay or collect and remit sales and use taxes under Subsection
774 (2)(b):

775 (i) except as provided in Subsection (2)(c)(ii), may voluntarily:

776 (A) collect a tax on a transaction described in Subsection 59-12-103(1); and

777 (B) remit the tax to the commission as provided in this part; or

778 (ii) notwithstanding Subsection (2)(c)(i), shall collect a tax on a transaction described
779 in Subsection 59-12-103(1) if Section 59-12-103.1 requires the seller to collect the tax.

780 (d) The collection and remittance of a tax under this chapter by a seller that is
781 registered under the agreement may not be used as a factor in determining whether that seller is
782 required by Subsection (2) to:

783 (i) pay a tax, fee, or charge under:

784 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

785 (B) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

786 (C) Section 19-6-714;

787 (D) Section 19-6-805;

788 [~~(E) Section 69-2-5;~~]

789 [~~(F) Section 69-2-5.5;~~]

790 [~~(G) Section 69-2-5.6; or~~]

791 (E) Title 69, Chapter 2, Part 4, Emergency Service Charges; or

792 [~~(H)~~] (F) this title; or

793 (ii) collect and remit a tax, fee, or charge under:

794 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

795 (B) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

796 (C) Section 19-6-714;

797 (D) Section 19-6-805;

798 [~~(E) Section 69-2-5;~~]

799 [~~(F) Section 69-2-5.5;~~]

800 [~~(G) Section 69-2-5.6; or~~]

801 (E) Title 69, Chapter 2, Part 4, Emergency Service Charges; or

802 [~~(H)~~] (F) this title.

803 (e) A person shall pay a use tax imposed by this chapter on a transaction described in
804 Subsection 59-12-103(1) if:

805 (i) the seller did not collect a tax imposed by this chapter on the transaction; and

806 (ii) the person:

807 (A) stores the tangible personal property or product transferred electronically in the
808 state;

809 (B) uses the tangible personal property or product transferred electronically in the state;

810 or

811 (C) consumes the tangible personal property or product transferred electronically in the
812 state.

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

819 (3) (a) Except as provided in Section 59-12-107.1, a tax under this chapter shall be
820 collected from a purchaser.

821 (b) A seller may not collect as tax an amount, without regard to fractional parts of one
822 cent, in excess of the tax computed at the rates prescribed by this chapter.

823 (c) (i) Each seller shall:

824 (A) give the purchaser a receipt for the tax collected; or

825 (B) bill the tax as a separate item and declare the name of this state and the seller's
826 sales and use tax license number on the invoice for the sale.

827 (ii) The receipt or invoice is prima facie evidence that the seller has collected the tax
828 and relieves the purchaser of the liability for reporting the tax to the commission as a
829 consumer.

830 (d) A seller is not required to maintain a separate account for the tax collected, but is
831 considered to be a person charged with receipt, safekeeping, and transfer of public money.

832 (e) Taxes collected by a seller pursuant to this chapter shall be held in trust for the
833 benefit of the state and for payment to the commission in the manner and at the time provided

834 for in this chapter.

835 (f) If any seller, during any reporting period, collects as a tax an amount in excess of
836 the lawful state and local percentage of total taxable sales allowed under this chapter, the seller
837 shall remit to the commission the full amount of the tax imposed under this chapter, plus any
838 excess.

839 (g) If the accounting methods regularly employed by the seller in the transaction of the
840 seller's business are such that reports of sales made during a calendar month or quarterly period
841 will impose unnecessary hardships, the commission may accept reports at intervals that will, in
842 the commission's opinion, better suit the convenience of the taxpayer or seller and will not
843 jeopardize collection of the tax.

844 (h) (i) For a purchase paid with specie legal tender as defined in Section 59-1-1501.1,
845 and until such time as the commission accepts specie legal tender for the payment of a tax
846 under this chapter, if the commission requires a seller to remit a tax under this chapter in legal
847 tender other than specie legal tender, the seller shall state on the seller's books and records and
848 on an invoice, bill of sale, or similar document provided to the purchaser:

849 (A) the purchase price in specie legal tender and in the legal tender the seller is
850 required to remit to the commission;

851 (B) subject to Subsection (3)(h)(ii), the amount of tax due under this chapter in specie
852 legal tender and in the legal tender the seller is required to remit to the commission;

853 (C) the tax rate under this chapter applicable to the purchase; and

854 (D) the date of the purchase.

855 (ii) (A) Subject to Subsection (3)(h)(ii)(B), for purposes of determining the amount of
856 tax due under Subsection (3)(h)(i), a seller shall use the most recent London fixing price for the
857 specie legal tender the purchaser paid.

858 (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
859 commission may make rules for determining the amount of tax due under Subsection (3)(h)(i)
860 if the London fixing price is not available for a particular day.

861 (4) (a) Except as provided in Subsections (5) through (7) and Section 59-12-108, the
862 sales or use tax imposed by this chapter is due and payable to the commission quarterly on or
863 before the last day of the month next succeeding each calendar quarterly period.

864 (b) (i) Each seller shall, on or before the last day of the month next succeeding each

865 calendar quarterly period, file with the commission a return for the preceding quarterly period.

866 (ii) The seller shall remit with the return under Subsection (4)(b)(i) the amount of the
867 tax required under this chapter to be collected or paid for the period covered by the return.

868 (c) Except as provided in Subsection (5)(c), a return shall contain information and be in
869 a form the commission prescribes by rule.

870 (d) (i) Subject to Subsection (4)(d)(ii), the sales tax as computed in the return shall be
871 based on the total nonexempt sales made during the period for which the return is filed,
872 including both cash and charge sales.

873 (ii) For a sale that includes the delivery or installation of tangible personal property at a
874 location other than a seller's place of business described in Subsection (2)(a)(i), if the delivery
875 or installation is separately stated on an invoice or receipt, a seller may compute the tax due on
876 the sale for purposes of Subsection (4)(d)(i) based on the amount the seller receives for that
877 sale during each period for which the seller receives payment for the sale.

878 (e) (i) The use tax as computed in the return shall be based on the total amount of
879 purchases for storage, use, or other consumption in this state made during the period for which
880 the return is filed, including both cash and charge purchases.

881 (ii) (A) As used in this Subsection (4)(e)(ii), "qualifying purchaser" means a purchaser
882 who is required to remit taxes under this chapter, but is not required to remit taxes monthly in
883 accordance with Section [59-12-108](#), and who converts tangible personal property into real
884 property.

885 (B) Subject to Subsections (4)(e)(ii)(C) and (D), a qualifying purchaser may remit the
886 taxes due under this chapter on tangible personal property for which the qualifying purchaser
887 claims an exemption as allowed under Subsection [59-12-104](#)(23) or (25) based on the period in
888 which the qualifying purchaser receives payment, in accordance with Subsection (4)(e)(ii)(C),
889 for the conversion of the tangible personal property into real property.

890 (C) A qualifying purchaser remitting taxes due under this chapter in accordance with
891 Subsection (4)(e)(ii)(B) shall remit an amount equal to the total amount of tax due on the
892 qualifying purchaser's purchase of the tangible personal property that was converted into real
893 property multiplied by a fraction, the numerator of which is the payment received in the period
894 for the qualifying purchaser's sale of the tangible personal property that was converted into real
895 property and the denominator of which is the entire sales price for the qualifying purchaser's

896 sale of the tangible personal property that was converted into real property.

897 (D) A qualifying purchaser may remit taxes due under this chapter in accordance with
898 this Subsection (4)(e)(ii) only if the books and records that the qualifying purchaser keeps in
899 the qualifying purchaser's regular course of business identify by reasonable and verifiable
900 standards that the tangible personal property was converted into real property.

901 (f) (i) Subject to Subsection (4)(f)(ii) and in accordance with Title 63G, Chapter 3,
902 Utah Administrative Rulemaking Act, the commission may by rule extend the time for making
903 returns and paying the taxes.

904 (ii) An extension under Subsection (4)(f)(i) may not be for more than 90 days.

905 (g) The commission may require returns and payment of the tax to be made for other
906 than quarterly periods if the commission considers it necessary in order to ensure the payment
907 of the tax imposed by this chapter.

908 (h) (i) The commission may require a seller that files a simplified electronic return with
909 the commission to file an additional electronic report with the commission.

910 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
911 commission may make rules providing:

912 (A) the information required to be included in the additional electronic report described
913 in Subsection (4)(h)(i); and

914 (B) one or more due dates for filing the additional electronic report described in
915 Subsection (4)(h)(i).

916 (5) (a) As used in this Subsection (5) and Subsection (6)(b), "remote seller" means a
917 seller that is:

918 (i) registered under the agreement;

919 (ii) described in Subsection (2)(c); and

920 (iii) not a:

921 (A) model 1 seller;

922 (B) model 2 seller; or

923 (C) model 3 seller.

924 (b) (i) Except as provided in Subsection (5)(b)(ii), a tax a remote seller collects in
925 accordance with Subsection (2)(c) is due and payable:

926 (A) to the commission;

- 927 (B) annually; and
- 928 (C) on or before the last day of the month immediately following the last day of each
929 calendar year.
- 930 (ii) The commission may require that a tax a remote seller collects in accordance with
931 Subsection (2)(c) be due and payable:
- 932 (A) to the commission; and
- 933 (B) on the last day of the month immediately following any month in which the seller
934 accumulates a total of at least \$1,000 in agreement sales and use tax.
- 935 (c) (i) If a remote seller remits a tax to the commission in accordance with Subsection
936 (5)(b), the remote seller shall file a return:
- 937 (A) with the commission;
- 938 (B) with respect to the tax;
- 939 (C) containing information prescribed by the commission; and
- 940 (D) on a form prescribed by the commission.
- 941 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
942 commission shall make rules prescribing:
- 943 (A) the information required to be contained in a return described in Subsection
944 (5)(c)(i); and
- 945 (B) the form described in Subsection (5)(c)(i)(D).
- 946 (d) A tax a remote seller collects in accordance with this Subsection (5) shall be
947 calculated on the basis of the total amount of taxable transactions under Subsection
948 [59-12-103](#)(1) the remote seller completes, including:
- 949 (i) a cash transaction; and
- 950 (ii) a charge transaction.
- 951 (6) (a) Except as provided in Subsection (6)(b), a tax a seller that files a simplified
952 electronic return collects in accordance with this chapter is due and payable:
- 953 (i) monthly on or before the last day of the month immediately following the month for
954 which the seller collects a tax under this chapter; and
- 955 (ii) for the month for which the seller collects a tax under this chapter.
- 956 (b) A tax a remote seller that files a simplified electronic return collects in accordance
957 with this chapter is due and payable as provided in Subsection (5).

958 (7) (a) On each vehicle sale made by other than a regular licensed vehicle dealer, the
959 purchaser shall pay the sales or use tax directly to the commission if the vehicle is subject to
960 titling or registration under the laws of this state.

961 (b) The commission shall collect the tax described in Subsection (7)(a) when the
962 vehicle is titled or registered.

963 (8) If any sale of tangible personal property or any other taxable transaction under
964 Subsection 59-12-103(1), is made by a wholesaler to a retailer, the wholesaler is not
965 responsible for the collection or payment of the tax imposed on the sale and the retailer is
966 responsible for the collection or payment of the tax imposed on the sale if:

967 (a) the retailer represents that the personal property is purchased by the retailer for
968 resale; and

969 (b) the personal property is not subsequently resold.

970 (9) If any sale of property or service subject to the tax is made to a person prepaying
971 sales or use tax in accordance with Title 63M, Chapter 5, Resource Development Act, or to a
972 contractor or subcontractor of that person, the person to whom such payment or consideration
973 is payable is not responsible for the collection or payment of the sales or use tax and the person
974 prepaying the sales or use tax is responsible for the collection or payment of the sales or use tax
975 if the person prepaying the sales or use tax represents that the amount prepaid as sales or use
976 tax has not been fully credited against sales or use tax due and payable under the rules
977 promulgated by the commission.

978 (10) (a) For purposes of this Subsection (10):

979 (i) Except as provided in Subsection (10)(a)(ii), "bad debt" is as defined in Section
980 166, Internal Revenue Code.

981 (ii) Notwithstanding Subsection (10)(a)(i), "bad debt" does not include:

982 (A) an amount included in the purchase price of tangible personal property, a product
983 transferred electronically, or a service that is:

984 (I) not a transaction described in Subsection 59-12-103(1); or

985 (II) exempt under Section 59-12-104;

986 (B) a financing charge;

987 (C) interest;

988 (D) a tax imposed under this chapter on the purchase price of tangible personal

989 property, a product transferred electronically, or a service;

990 (E) an uncollectible amount on tangible personal property or a product transferred
991 electronically that:

992 (I) is subject to a tax under this chapter; and

993 (II) remains in the possession of a seller until the full purchase price is paid;

994 (F) an expense incurred in attempting to collect any debt; or

995 (G) an amount that a seller does not collect on repossessed property.

996 (b) (i) To the extent an amount remitted in accordance with Subsection (4)(d) later
997 becomes bad debt, a seller may deduct the bad debt from the total amount from which a tax
998 under this chapter is calculated on a return.

999 (ii) A qualifying purchaser, as defined in Subsection (4)(e)(ii)(A), may deduct from the
1000 total amount of taxes due under this chapter the amount of tax the qualifying purchaser paid on
1001 the qualifying purchaser's purchase of tangible personal property converted into real property to
1002 the extent that:

1003 (A) tax was remitted in accordance with Subsection (4)(e) on that tangible personal
1004 property converted into real property;

1005 (B) the qualifying purchaser's sale of that tangible personal property converted into real
1006 property later becomes bad debt; and

1007 (C) the books and records that the qualifying purchaser keeps in the qualifying
1008 purchaser's regular course of business identify by reasonable and verifiable standards that the
1009 tangible personal property was converted into real property.

1010 (c) A seller may file a refund claim with the commission if:

1011 (i) the amount of bad debt for the time period described in Subsection (10)(e) exceeds
1012 the amount of the seller's sales that are subject to a tax under this chapter for that same time
1013 period; and

1014 (ii) as provided in Section [59-1-1410](#).

1015 (d) A bad debt deduction under this section may not include interest.

1016 (e) A bad debt may be deducted under this Subsection (10) on a return for the time
1017 period during which the bad debt:

1018 (i) is written off as uncollectible in the seller's books and records; and

1019 (ii) would be eligible for a bad debt deduction:

- 1020 (A) for federal income tax purposes; and
- 1021 (B) if the seller were required to file a federal income tax return.
- 1022 (f) If a seller recovers any portion of bad debt for which the seller makes a deduction or
- 1023 claims a refund under this Subsection (10), the seller shall report and remit a tax under this
- 1024 chapter:
- 1025 (i) on the portion of the bad debt the seller recovers; and
- 1026 (ii) on a return filed for the time period for which the portion of the bad debt is
- 1027 recovered.
- 1028 (g) For purposes of reporting a recovery of a portion of bad debt under Subsection
- 1029 (10)(f), a seller shall apply amounts received on the bad debt in the following order:
- 1030 (i) in a proportional amount:
- 1031 (A) to the purchase price of the tangible personal property, product transferred
- 1032 electronically, or service; and
- 1033 (B) to the tax due under this chapter on the tangible personal property, product
- 1034 transferred electronically, or service; and
- 1035 (ii) to:
- 1036 (A) interest charges;
- 1037 (B) service charges; and
- 1038 (C) other charges.
- 1039 (h) A seller's certified service provider may make a deduction or claim a refund for bad
- 1040 debt on behalf of the seller:
- 1041 (i) in accordance with this Subsection (10); and
- 1042 (ii) if the certified service provider credits or refunds the entire amount of the bad debt
- 1043 deduction or refund to the seller.
- 1044 (i) A seller may allocate bad debt among the states that are members of the agreement
- 1045 if the seller's books and records support that allocation.
- 1046 (11) (a) A seller may not, with intent to evade any tax, fail to timely remit the full
- 1047 amount of tax required by this chapter.
- 1048 (b) A violation of this section is punishable as provided in Section [59-1-401](#).
- 1049 (c) Each person who fails to pay any tax to the state or any amount of tax required to be
- 1050 paid to the state, except amounts determined to be due by the commission under Chapter 1,

1051 Part 14, Assessment, Collections, and Refunds Act, or Section 59-12-111, within the time
1052 required by this chapter, or who fails to file any return as required by this chapter, shall pay, in
1053 addition to the tax, penalties and interest as provided in Sections 59-1-401 and 59-1-402.

1054 (d) For purposes of prosecution under this section, each quarterly tax period in which a
1055 seller, with intent to evade any tax, collects a tax and fails to timely remit the full amount of the
1056 tax required to be remitted, constitutes a separate offense.

1057 Section 6. Section 59-12-108 is amended to read:

1058 **59-12-108. Monthly payment -- Amount of tax a seller may retain -- Penalty --**
1059 **Certain amounts allocated to local taxing jurisdictions.**

1060 (1) (a) Notwithstanding Section 59-12-107, a seller that has a tax liability under this
1061 chapter of \$50,000 or more for the previous calendar year shall:

1062 (i) file a return with the commission:

1063 (A) monthly on or before the last day of the month immediately following the month
1064 for which the seller collects a tax under this chapter; and

1065 (B) for the month for which the seller collects a tax under this chapter; and

1066 (ii) except as provided in Subsection (1)(b), remit with the return required by
1067 Subsection (1)(a)(i) the amount the person is required to remit to the commission for each tax,
1068 fee, or charge described in Subsection (1)(c):

1069 (A) if that seller's tax liability under this chapter for the previous calendar year is less
1070 than \$96,000, by any method permitted by the commission; or

1071 (B) if that seller's tax liability under this chapter for the previous calendar year is
1072 \$96,000 or more, by electronic funds transfer.

1073 (b) A seller shall remit electronically with the return required by Subsection (1)(a)(i)
1074 the amount the seller is required to remit to the commission for each tax, fee, or charge
1075 described in Subsection (1)(c) if that seller:

1076 (i) is required by Section 59-12-107 to file the return electronically; or

1077 (ii) (A) is required to collect and remit a tax under Section 59-12-107; and

1078 (B) files a simplified electronic return.

1079 (c) Subsections (1)(a) and (b) apply to the following taxes, fees, or charges:

1080 (i) a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1081 (ii) a fee under Section 19-6-714;

- 1082 (iii) a fee under Section 19-6-805;
- 1083 (iv) a charge under [~~Section 69-2-5;~~] Title 69, Chapter 2, Part 4, Emergency Service
- 1084 Charges; or
- 1085 [~~(v) a charge under Section 69-2-5.5;~~]
- 1086 [~~(vi) a charge under Section 69-2-5.6; or~~]
- 1087 [~~(vii)~~] (v) a tax under this chapter.
- 1088 (d) Notwithstanding Subsection (1)(a)(ii) and in accordance with Title 63G, Chapter 3,
- 1089 Utah Administrative Rulemaking Act, the commission shall make rules providing for a method
- 1090 for making same-day payments other than by electronic funds transfer if making payments by
- 1091 electronic funds transfer fails.
- 1092 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1093 commission shall establish by rule procedures and requirements for determining the amount a
- 1094 seller is required to remit to the commission under this Subsection (1).
- 1095 (2) (a) Except as provided in Subsection (3), a seller subject to Subsection (1) or a
- 1096 seller described in Subsection (4) may retain each month the amount allowed by this
- 1097 Subsection (2).
- 1098 (b) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain
- 1099 each month 1.31% of any amounts the seller is required to remit to the commission:
- 1100 (i) for a transaction described in Subsection 59-12-103(1) that is subject to a state tax
- 1101 and a local tax imposed in accordance with the following, for the month for which the seller is
- 1102 filing a return in accordance with Subsection (1):
- 1103 (A) Subsection 59-12-103(2)(a);
- 1104 (B) Subsection 59-12-103(2)(b); and
- 1105 (C) Subsection 59-12-103(2)(d); and
- 1106 (ii) for an agreement sales and use tax.
- 1107 (c) (i) A seller subject to Subsection (1) or a seller described in Subsection (4) may
- 1108 retain each month the amount calculated under Subsection (2)(c)(ii) for a transaction described
- 1109 in Subsection 59-12-103(1) that is subject to the state tax and the local tax imposed in
- 1110 accordance with Subsection 59-12-103(2)(c).
- 1111 (ii) For purposes of Subsection (2)(c)(i), the amount a seller may retain is an amount
- 1112 equal to the sum of:

- 1113 (A) 1.31% of any amounts the seller is required to remit to the commission for:
1114 (I) the state tax and the local tax imposed in accordance with Subsection
1115 59-12-103(2)(c);
1116 (II) the month for which the seller is filing a return in accordance with Subsection (1);
1117 and
1118 (III) an agreement sales and use tax; and
1119 (B) 1.31% of the difference between:
1120 (I) the amounts the seller would have been required to remit to the commission:
1121 (Aa) in accordance with Subsection 59-12-103(2)(a) if the transaction had been subject
1122 to the state tax and the local tax imposed in accordance with Subsection 59-12-103(2)(a);
1123 (Bb) for the month for which the seller is filing a return in accordance with Subsection
1124 (1); and
1125 (Cc) for an agreement sales and use tax; and
1126 (II) the amounts the seller is required to remit to the commission for:
1127 (Aa) the state tax and the local tax imposed in accordance with Subsection
1128 59-12-103(2)(c);
1129 (Bb) the month for which the seller is filing a return in accordance with Subsection (1);
1130 and
1131 (Cc) an agreement sales and use tax.
1132 (d) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain
1133 each month 1% of any amounts the seller is required to remit to the commission:
1134 (i) for the month for which the seller is filing a return in accordance with Subsection
1135 (1); and
1136 (ii) under:
1137 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
1138 (B) Subsection 59-12-603(1)(a)(i)(A); or
1139 (C) Subsection 59-12-603(1)(a)(i)(B).
1140 (3) A state government entity that is required to remit taxes monthly in accordance
1141 with Subsection (1) may not retain any amount under Subsection (2).
1142 (4) A seller that has a tax liability under this chapter for the previous calendar year of
1143 less than \$50,000 may:

1144 (a) voluntarily meet the requirements of Subsection (1); and
1145 (b) if the seller voluntarily meets the requirements of Subsection (1), retain the
1146 amounts allowed by Subsection (2).

1147 (5) (a) Subject to Subsections (5)(b) through (d), a seller that voluntarily collects and
1148 remits a tax in accordance with Subsection 59-12-107(2)(c)(i) may retain an amount equal to
1149 18% of any amounts the seller would otherwise remit to the commission:

1150 (i) if the seller obtains a license under Section 59-12-106 for the first time on or after
1151 January 1, 2014; and
1152 (ii) for:
1153 (A) an agreement sales and use tax; and
1154 (B) the time period for which the seller files a return in accordance with this section.

1155 (b) If a seller retains an amount under this Subsection (5), the seller may not retain any
1156 other amount under this section.

1157 (c) If a seller retains an amount under this Subsection (5), the commission may require
1158 the seller to file a return by:
1159 (i) electronic means; or
1160 (ii) a means other than electronic means.

1161 (d) A seller may not retain an amount under this Subsection (5) if the seller is required
1162 to collect or remit a tax under this section in accordance with Section 59-12-103.1.

1163 (6) Penalties for late payment shall be as provided in Section 59-1-401.

1164 (7) (a) Except as provided in Subsection (7)(c), for any amounts required to be remitted
1165 to the commission under this part, the commission shall each month calculate an amount equal
1166 to the difference between:
1167 (i) the total amount retained for that month by all sellers had the percentages listed
1168 under Subsections (2)(b) and (2)(c)(ii) been 1.5%; and
1169 (ii) the total amount retained for that month by all sellers at the percentages listed
1170 under Subsections (2)(b) and (2)(c)(ii).

1171 (b) The commission shall each month allocate the amount calculated under Subsection
1172 (7)(a) to each county, city, and town on the basis of the proportion of agreement sales and use
1173 tax that the commission distributes to each county, city, and town for that month compared to
1174 the total agreement sales and use tax that the commission distributes for that month to all

1175 counties, cities, and towns.

1176 (c) The amount the commission calculates under Subsection (7)(a) may not include an
1177 amount collected from a tax that:

1178 (i) the state imposes within a county, city, or town, including the unincorporated area
1179 of a county; and

1180 (ii) is not imposed within the entire state.

1181 Section 7. Section **59-12-128** is amended to read:

1182 **59-12-128. Amnesty.**

1183 (1) As used in this section, "amnesty" means that a seller is not required to pay the
1184 following amounts that the seller would otherwise be required to pay:

1185 (a) a tax, fee, or charge under:

1186 (i) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1187 (ii) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

1188 (iii) Section [19-6-714](#);

1189 (iv) Section [19-6-805](#);

1190 (v) Chapter 26, Multi-Channel Video or Audio Service Tax Act;

1191 [~~(vi) Section [69-2-5](#);~~]

1192 [~~(vii) Section [69-2-5.5](#);~~]

1193 [~~(viii) Section [69-2-5.6](#); or~~]

1194 (vi) Title 69, Chapter 2, Part 4, Emergency Service Charges; or

1195 [~~(ix)~~] (vii) this chapter;

1196 (b) a penalty on a tax, fee, or charge described in Subsection (1)(a); or

1197 (c) interest on a tax, fee, or charge described in Subsection (1)(a).

1198 (2) (a) Except as provided in Subsections (2)(b) and (3) and subject to Subsections (4)
1199 and (5), the commission shall grant a seller amnesty if the seller:

1200 (i) obtains a license under Section [59-12-106](#); and

1201 (ii) is registered under the agreement.

1202 (b) The commission is not required to grant a seller amnesty under this section
1203 beginning 12 months after the date the state becomes a full member under the agreement.

1204 (3) A seller may not receive amnesty under this section for a tax, fee, or charge:

1205 (a) the seller collects;

1206 (b) the seller remits to the commission;

1207 (c) that the seller is required to remit to the commission on the seller's purchase; or

1208 (d) arising from a transaction that occurs within a time period that is under audit by the

1209 commission if:

1210 (i) the seller receives notice of the commencement of the audit prior to obtaining a

1211 license under Section 59-12-106; and

1212 (ii) (A) the audit described in Subsection (3)(d)(i) is not complete; or

1213 (B) the seller has not exhausted all administrative and judicial remedies in connection

1214 with the audit described in Subsection (3)(d)(i).

1215 (4) (a) Except as provided in Subsection (4)(b), amnesty the commission grants to a

1216 seller under this section:

1217 (i) applies to the time period during which the seller is not licensed under Section

1218 59-12-106; and

1219 (ii) remains in effect if, for a period of three years, the seller:

1220 (A) remains registered under the agreement;

1221 (B) collects a tax, fee, or charge on a transaction subject to a tax, fee, or charge

1222 described in Subsection (1)(a); and

1223 (C) remits to the commission the taxes, fees, and charges the seller collects in

1224 accordance with Subsection (4)(a)(ii)(B).

1225 (b) The commission may not grant a seller amnesty under this section if, with respect

1226 to a tax, fee, or charge for which the seller would otherwise be granted amnesty under this

1227 section, the seller commits:

1228 (i) fraud; or

1229 (ii) an intentional misrepresentation of a material fact.

1230 (5) (a) If a seller does not meet a requirement of Subsection (4)(a)(ii), the commission

1231 shall require the seller to pay the amounts described in Subsection (1) that the seller would

1232 have otherwise been required to pay.

1233 (b) Notwithstanding Section 59-1-1410, for purposes of requiring a seller to pay an

1234 amount in accordance with Subsection (5)(a), the time period for the commission to make an

1235 assessment under Section 59-1-1410 is extended for a time period beginning on the date the

1236 seller does not meet a requirement of Subsection (4)(a)(ii) and ends three years after that date.

1237 Section 8. Section **63H-7a-102** is amended to read:

1238 **63H-7a-102. Utah Communications Authority -- Purpose.**

1239 [~~The purpose of this~~] (1) This chapter [~~is to establish an independent state agency and a~~
1240 ~~board to administer the creation, administration, and maintenance of]~~ establishes the Utah
1241 Communications Authority [~~to provide a public safety communications network, facilities, and~~
1242 ~~911 emergency services on a statewide basis for the benefit and use of public agencies, and~~
1243 ~~state and federal agencies;]~~ as an independent state agency.

1244 (2) The Utah Communications Authority shall:

1245 (a) provide administrative and financial support for statewide 911 emergency services;
1246 and

1247 (b) establish and maintain a statewide public safety communications network.

1248 Section 9. Section **63H-7a-103** is amended to read:

1249 **63H-7a-103. Definitions.**

1250 As used in this chapter:

1251 (1) "Association of governments" means an association of political subdivisions of the
1252 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
1253 Cooperation Act.

1254 [~~(1)~~] (2) "Authority" means the Utah Communications Authority [~~, an independent state~~
1255 ~~agency]~~ created in Section 63H-7a-201.

1256 [~~(2)~~] (3) "Board" means the Utah Communications Authority Board created in Section
1257 63H-7a-203.

1258 [~~(3)~~] (4) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase
1259 agreements, or other evidences of indebtedness or borrowing issued or incurred by the
1260 authority pursuant to this chapter.

1261 (5) "Dispatch center" means an entity that receives and responds to an emergency or
1262 nonemergency communication transferred to the entity from a public safety answering point.

1263 [~~(4)~~] (6) "FirstNet" means the federal First Responder Network Authority [~~created by~~
1264 ~~Congress in the Middle Class Tax Relief and Job Creation Act of 2012]~~ established in 47
1265 U.S.C. Sec. 1424.

1266 [~~(5)~~] (7) "Lease" means any lease, lease purchase, sublease, operating, management, or
1267 similar agreement.

1268 ~~[(6) "Local entity" means a county, city, town, local district, special service district, or~~
1269 ~~interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.]~~

1270 ~~[(7)]~~ (8) "Member" means a public agency ~~[which]~~ that:

1271 (a) adopts a membership resolution to be included within the authority; and

1272 (b) submits an originally executed copy of an authorizing resolution to the authority's
1273 office.

1274 ~~[(8) "Member representative" means a person or that person's designee appointed by~~
1275 ~~the governing body of each member.]~~

1276 (9) "Public agency" means any political subdivision of the state~~[-, including cities,~~
1277 ~~towns, counties, school districts, local districts, and special service districts,]~~ dispatched by a
1278 public safety answering point.

1279 (10) "Public safety answering point" or "PSAP" means an entity that:

1280 (a) receives, as a first point of contact, direct 911 emergency and nonemergency
1281 communications requesting a public safety service;

1282 (b) has a facility with the equipment and staff necessary to receive the communication;

1283 (c) assesses, classifies, and prioritizes the communication; and

1284 (d) ~~[transfers]~~ dispatches the communication to the proper responding agency.

1285 (11) "Public safety communications network" means:

1286 (a) a regional or statewide public safety governmental communications network and
1287 related facilities, including real property, improvements, and equipment necessary for the
1288 acquisition, construction, and operation of the services and facilities; and

1289 (b) 911 emergency services, including radio communications, connectivity, and
1290 computer aided dispatch systems.

1291 ~~[(12) "State" means the state of Utah.]~~

1292 ~~[(13) "State representative" means the six appointees of the governor or their designees~~
1293 ~~and the Utah State Treasurer or his designee.]~~

1294 Section 10. Section **63H-7a-201** is amended to read:

Part 2. Utah Communications Authority Governance

63H-7a-201. Establishment of Utah Communications Authority.

1297 (1) This part is known as ~~[the]~~ "Utah Communications Authority ~~[and the Board]~~
1298 Governance."

1299 (2) There is established the Utah Communications Authority[, ~~formerly known as the~~
 1300 ~~Utah Communications Agency Network, which shall assume the operations of the Utah~~
 1301 ~~Communications Agency Network and shall perform the functions as provided in this chapter.~~
 1302 ~~(3) The Utah Communications Authority is] as an independent state agency and not a division
 1303 within any other department of the state.~~

1304 [~~(4) The initial offices of the] (3) (a) The authority shall ~~[be]~~ maintain an office in Salt
 1305 Lake County[, ~~but branches of the office may be established in other areas of the state upon~~
 1306 ~~approval of the board].~~~~

1307 (b) The authority may establish additional branch offices outside of Salt Lake County
 1308 with the approval of the board.

1309 Section 11. Section **63H-7a-202** is amended to read:

1310 **63H-7a-202. Powers of the authority.**

1311 The authority [~~shall have]~~ has the power to:

1312 (1) sue and be sued in [~~its]~~ the authority's own name;

1313 (2) have an official seal and power to alter that seal at will;

1314 (3) make and execute contracts and all other instruments necessary or convenient for
 1315 the performance of [~~its]~~ the authority's duties and the exercise of [~~its]~~ the authority's powers
 1316 and functions under this chapter, including contracts with private companies licensed under
 1317 Title 26, Chapter 8a, Utah Emergency Medical Services System Act;

1318 (4) own, acquire, design, construct, operate, maintain, repair, and dispose of any
 1319 portion of a public safety communications network utilizing technology that is fiscally prudent,
 1320 upgradable, technologically advanced, redundant, and secure;

1321 (5) borrow money and incur indebtedness;

1322 (6) issue bonds as provided in this chapter;

1323 (7) enter into agreements with public agencies, private entities, the state, and federal
 1324 government to provide public safety communications network services on terms and conditions
 1325 [~~it]~~ the authority considers to be in the best interest of [~~its]~~ the authority's members;

1326 (8) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
 1327 property or personal property in connection with the acquisition and construction of a public
 1328 safety communications network and all related facilities and rights-of-way [~~which it]~~ that the
 1329 authority owns, operates, and maintains;

1330 (9) contract with other public agencies, the state, or the federal government to provide
1331 public safety communications network services in excess of those required to meet the needs or
1332 requirements of ~~[its]~~ the authority's members and the state and federal government if:

1333 (a) ~~[it is determined by the board to be]~~ the board determines that contracting is
1334 necessary to accomplish the purposes and realize the benefits of this chapter; and

1335 (b) any excess ~~[is]~~ public safety communications network services resulting from the
1336 contract are sold to other public agencies, the state, or federal government ~~[and is sold]~~ on
1337 terms that assure:

1338 (i) that the excess public safety communications network services will be used only for
1339 the purposes and benefits authorized by the authority under Section [63H-7a-102](#); and

1340 (ii) that the authority will recoup the cost of providing the excess ~~[service will be~~
1341 ~~received by the authority]~~ public safety communications network services;

1342 (10) provide and maintain the public safety communications network for all state and
1343 local governmental agencies:

1344 (a) within the current authority network for the state and local governmental agencies
1345 that currently subscribe to the authority; and

1346 (b) in a manner that:

1347 (i) promotes high quality, cost effective services; ~~[and]~~

1348 (ii) evaluates the benefits, costs, existing facilities and equipment, and services of
1349 public and private providers; and

1350 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
1351 facilities, equipment, and services of providers of communication services~~[-]~~;

1352 (11) maintain ~~[the current]~~ or upgrade VHF and 800 MHz radio networks;

1353 (12) review, approve, disapprove, or revise recommendations regarding the
1354 expenditure of funds ~~[under Sections [69-2-5.5](#) and [69-2-5.6](#) that are made by:]~~ disbursed by the
1355 authority under this chapter; and

1356 ~~[(a) the 911 Division;]~~

1357 ~~[(b) the Radio Network Division; and]~~

1358 ~~[(c) the Interoperability Division; and]~~

1359 (13) perform all other duties authorized by this chapter.

1360 Section 12. Section **63H-7a-203** is amended to read:

1361 **63H-7a-203. Board established -- Terms -- Vacancies.**1362 (1) There is created the [^u]Utah Communications Authority Board.[^u]1363 (2) The board shall consist of [~~the following individuals, who may not be employed by~~1364 ~~the authority or any office or division of the authority:]~~ nine board members appointed by the1365 governor with the advice and consent of the Senate and selected as follows:1366 [~~(a) the member representatives elected as follows:]~~1367 [~~(i) one representative elected from each county of the first and second class, who:]~~1368 [~~(A) is in law enforcement, fire service, or a public safety answering point; and]~~1369 [~~(B) has a leadership position with public safety communication experience;]~~1370 [~~(ii) one representative elected from each of the seven associations of government~~1371 ~~who:]~~1372 [~~(A) is in law enforcement, fire service, or a public safety answering point; and]~~1373 [~~(B) has a leadership position with public safety communication experience;]~~1374 [~~(iii) one representative of the Native American tribes elected by the representative of~~1375 ~~tribal governments listed in Subsection 9-9-104.5(2);]~~1376 [~~(iv) one representative elected by the Utah National Guard;]~~1377 [~~(v) one representative elected by an association that represents fire chiefs;]~~1378 [~~(vi) one representative elected by an association that represents sheriffs;]~~1379 [~~(vii) one representative elected by an association that represents chiefs of police; and]~~1380 [~~(viii) one member elected by the 911 Advisory Committee created in Section~~1381 ~~63H-7a-307;]~~1382 [~~(b) seven state representatives appointed in accordance with Subsection (3); and]~~1383 [~~(c) two members of the public selected as follows:]~~1384 [~~(i) one member who:]~~1385 [~~(A) may not have financial ties to a provider of telecommunication services;]~~1386 [~~(B) may not have a relationship to a user of public safety telecommunications~~1387 ~~services; and]~~1388 [~~(C) is selected by the speaker of the House of Representatives; and]~~1389 [~~(ii) one member who:]~~1390 [~~(A) may not have financial ties to a provider of telecommunication services;]~~1391 [~~(B) may not have a relationship to a user of public safety telecommunications~~

1392 services; and]

1393 [~~(C) is selected by the president of the Senate.~~]

1394 [~~(3)(a)(i) Six of the state representatives shall be appointed by the governor, with two~~

1395 ~~of the positions having an initial term of two years, two having an initial term of three years,~~

1396 ~~and two having an initial term of four years.]~~

1397 [~~(ii) Successor state representatives shall each serve for a term of four years.]~~

1398 [~~(iii) The six governor-appointed state representatives shall consist of:]~~

1399 [~~(A) the executive director of the Utah Department of Transportation or the director's~~

1400 ~~designee;]~~

1401 [~~(B) the commissioner of public safety or the commissioner's designee;]~~

1402 [~~(C) the executive director of the Department of Natural Resources or the director's~~

1403 ~~designee;]~~

1404 [~~(D) the executive director of the Department of Corrections or the director's designee;]~~

1405 [~~(E) the chief information officer of the Department of Technology Services, or the~~

1406 ~~officer's designee; and]~~

1407 [~~(F) the executive director of the Department of Health or the director's designee.]~~

1408 [~~(b) The seventh state representative shall be the Utah State Treasurer or the treasurer's~~

1409 ~~designee.]~~

1410 [~~(c) A vacancy on the board for a state representative shall be filled for the unexpired~~

1411 ~~term by the director of the department or the director's designee as described in Subsection~~

1412 ~~(3)(a)(iii).]~~

1413 [~~(d) An employee of the authority may not be a member of the board.]~~

1414 (a) two board members selected by the governor from the state at-large; and

1415 (b) subject to Subsection (3), seven board members selected from individuals

1416 nominated by associations of government that include one individual nominated by each of:

1417 (i) an association of governments that represents Box Elder, Cache, and Rich counties;

1418 (ii) an association of governments that represents Beaver, Garfield, Iron, Kane, and

1419 Washington counties;

1420 (iii) an association of governments that represents Summit, Utah, and Wasatch

1421 counties;

1422 (iv) an association of governments that represents Juab, Millard, Piute, Sanpete, Sevier,

1423 and Wayne counties;

1424 (v) an association of governments that represents Carbon, Emery, Grand, and San Juan
1425 counties;

1426 (vi) an association of governments that represents Daggett, Duchesne, and Uintah
1427 counties; and

1428 (vii) an association of governments that represents Davis, Weber, Morgan, Salt Lake,
1429 and Tooele counties.

1430 (3) The governor may appoint an individual to the board in accordance with Subsection
1431 (2)(a) or (b) if the individual:

1432 (a) has experience in at least one of the following:

1433 (i) law enforcement;

1434 (ii) public safety;

1435 (iii) fire service;

1436 (iv) telecommunications;

1437 (v) finance;

1438 (vi) management; or

1439 (vii) government; and

1440 (b) is knowledgeable about public safety in the region of the state served by the
1441 association of government that nominated the individual.

1442 (4) (a) (i) [~~One-half of the positions for member representatives selected~~] Four of the
1443 board members appointed under Subsection (2) shall [have] serve an initial term of two years
1444 and [~~one-half of the positions shall have~~] three of the board members appointed under
1445 Subsection (2) shall serve an initial term of four years.

1446 [~~(ii) Successor member representatives of the board shall each serve for a term of four~~
1447 ~~years, so that the term of office for six of the member representatives expires every two years.]~~

1448 [~~(b) The member representatives of the board shall be removable, with or without~~
1449 ~~cause, by the entity that selected the member. A vacancy on the board for a member~~
1450 ~~representative shall be filled for the unexpired term by the entity the member represents.]~~

1451 (ii) Successor board members shall each serve a term of four years.

1452 (b) (i) The governor may remove a board member without cause.

1453 (ii) If the governor removes a board member who was appointed under Subsection

1454 (2)(b), the governor shall fill the board vacancy by appointing a replacement board member
1455 who is nominated by the association of governments that nominated the removed board
1456 member.

1457 (5) (a) The governor shall, [~~in accordance with Subsection (5)(b) and~~] after
1458 consultation with the board, appoint the chair of the board with the consent of the Senate. [~~The~~
1459 ~~chair shall serve a two-year term and the appointment as chair will automatically extend the~~
1460 ~~term of the board member to coincide with the appointment as chair.~~]

1461 [~~(b) The governor shall make the initial selection of a chair from one of the members~~
1462 ~~described in Subsection (2). After the initial selection of a chair, the governor shall alternate the~~
1463 ~~selection of the chair between a local member described in Subsection (2)(a) and a state~~
1464 ~~member described in Subsection (2)(b).]~~

1465 [~~(c) The chair shall serve at the pleasure of the governor.~~]

1466 (b) The governor may appoint a new chair as provided in Subsection (5)(a) at any time,
1467 without cause.

1468 (6) The board shall meet on an as-needed basis and as provided in the bylaws.

1469 [~~(7) The board shall also elect a vice chair, secretary, and treasurer to perform those~~
1470 ~~functions provided in the bylaws.~~]

1471 (7) (a) The board shall elect one of the board members to serve as vice chair [~~shall be a~~
1472 ~~member of the board~~].

1473 (b) (i) The board may elect a secretary and treasurer [~~need not be~~] who are not
1474 members of the board[~~, but shall not have voting powers if they are not members of the board~~].

1475 (ii) If the board elects a secretary or treasurer who is not a member of the board, the
1476 secretary or treasurer does not have voting power.

1477 (c) [~~The~~] A separate individual shall hold the offices of chair, vice chair, secretary, and
1478 treasurer [~~shall be held by separate individuals~~].

1479 [~~(8) Each member representative and state representative shall have one vote, including~~
1480 ~~the chair, at all meetings of the board.~~]

1481 (8) Each board member, including the chair, has one vote.

1482 (9) (a) A [~~constitutional~~] majority of the members of the board constitutes a quorum.

1483 (b) A vote of a majority of the quorum at any meeting of the board is necessary to take
1484 action on behalf of the board.

1485 (10) A board member may not receive compensation for the member's service on the
 1486 board, but may, in accordance with ~~[administrative]~~ rules adopted by the board in accordance
 1487 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

1488 (a) a per diem at the rate established under Section 63A-3-106; and

1489 (b) travel expenses at the rate established under Section 63A-3-107.

1490 Section 13. Section **63H-7a-204** is amended to read:

1491 **63H-7a-204. Board -- Powers and duties.**

1492 The board shall:

1493 (1) manage the affairs and business of the authority consistent with this chapter
 1494 including adopting bylaws by a majority vote of its members;

1495 (2) appoint an executive director to administer the authority;

1496 (3) receive and act upon reports covering the operations of the public safety
 1497 communications network and funds administered by the authority;

1498 (4) ensure that the public safety communications network and funds are administered
 1499 according to law;

1500 (5) examine and approve an annual operating budget for the authority;

1501 (6) receive and act upon recommendations of the director;

1502 (7) recommend to the governor and Legislature any necessary or desirable changes in
 1503 the statutes governing the public safety communications network;

1504 (8) develop broad policies for the long-term operation of the authority for the
 1505 performance of ~~[its]~~ the authority's functions;

1506 ~~[(9) make and execute contracts and other instruments on behalf of the authority,
 1507 including agreements with members and other entities;]~~

1508 (9) authorize the executive director to enter into agreements on behalf of the authority;

1509 (10) authorize the borrowing of money, the incurring of indebtedness, and the issuance
 1510 of bonds as provided in this chapter;

1511 (11) ~~[adopt rules consistent with this chapter and]~~ provide for the management and
 1512 administration of the public safety communications network by rule made in accordance with
 1513 Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[-for the management of the public~~
 1514 ~~safety communications network in order to carry out the purposes of this chapter, and perform~~
 1515 ~~all other acts necessary for the administration of the public safety communications network];~~

1516 (12) exercise the powers and perform the duties conferred on [it] the board by this
1517 chapter;

1518 (13) provide for audits of the authority; and

1519 (14) establish the following divisions within the authority:

1520 (a) 911 Division;

1521 (b) Radio Network Division;

1522 (c) Interoperability Division; and

1523 (d) Administrative Services Division[;].

1524 [~~(15) establish a 911 advisory committee to the 911 Division in accordance with~~
1525 ~~Section [63H-7a-307](#);]~~

1526 [~~(16) establish one or more advisory committees to the Radio Network Division in~~
1527 ~~accordance with Section [63H-7a-405](#);]~~

1528 [~~(17) establish one or more advisory committees to the Interoperability Division in~~
1529 ~~accordance with Section [63H-7a-504](#);]~~

1530 [~~(18) create, maintain and review annually a statewide, comprehensive multi-year~~
1531 ~~strategic plan in consultation with state and local stakeholders, the 911 Advisory Committee~~
1532 ~~created under Section [63H-7a-307](#), the Radio Network Advisory Committee created under~~
1533 ~~Section [63H-7a-405](#), and the Interoperability Advisory Committee created under Section~~
1534 ~~[63H-7a-504](#) that:]~~

1535 [~~(a) coordinates the authority's activities and duties in the:]~~

1536 [~~(i) 911 Division;]~~

1537 [~~(ii) Radio Network Division;]~~

1538 [~~(iii) Interoperability Division; and]~~

1539 [~~(iv) Administrative Services Division; and]~~

1540 [~~(b) includes a plan for:]~~

1541 [~~(i) the communications network;]~~

1542 [~~(ii) developing new systems;]~~

1543 [~~(iii) expanding existing systems, including microwave and fiber optics based~~
1544 ~~systems;]~~

1545 [~~(iv) statewide interoperability;]~~

1546 [~~(v) statewide coordination; and]~~

1547 ~~[(vi) FirstNet standards; and]~~
 1548 ~~[(e) the board updates before July 1 of each year;]~~
 1549 ~~[(19) each year, after the board submits the strategic plan described in Subsection (18)~~
 1550 ~~to the Legislature, issue a request for proposals if a request for proposals is necessary to carry~~
 1551 ~~out the strategic plan; and]~~
 1552 ~~[(20) on or before November 30, 2016, and on or before each November 30 thereafter,~~
 1553 ~~submit the state's strategic plan to the Executive Offices and Criminal Justice Appropriations~~
 1554 ~~Subcommittee and the Legislative Management Committee.]~~
 1555 Section 14. Section **63H-7a-205** is amended to read:
 1556 **63H-7a-205. Executive director -- Appointment -- Powers and duties.**
 1557 The executive director shall:
 1558 (1) (a) serve at the pleasure of the board; and
 1559 (b) act as the executive officer of the authority;
 1560 (2) administer the various acts, systems, plans, programs, and functions assigned to the
 1561 office;
 1562 (3) recommend administrative rules and policies to the board~~[, which are within the~~
 1563 ~~authority granted by this title for the administration of the authority];~~
 1564 (4) execute contracts on behalf of the authority;
 1565 ~~[(4)]~~ (5) recommend to the board any changes in [the] statutes affecting the authority;
 1566 ~~[(5)]~~ (6) recommend to the board an annual administrative budget covering
 1567 ~~administration, management, and operations of the [public safety communications network~~
 1568 ~~and, upon approval of the board, direct and control the subsequent expenditures of the budget;]~~
 1569 authority;
 1570 (7) with board approval, direct and control authority expenditures;
 1571 ~~[(6)]~~ (8) within the limitations of the budget, employ [staff] personnel, consultants, a
 1572 financial officer, and legal counsel to provide professional services and advice regarding the
 1573 administration of the authority; and
 1574 ~~[(7)]~~ (9) submit [an annual report, on or before November 1 of each year, to the
 1575 Executive Offices and] and make available to the public a report before December of each year
 1576 to the board, the Criminal Justice Appropriations Subcommittee, and the Legislative
 1577 Management Committee~~[, which shall be available to the public and shall include] that~~

1578 includes:

1579 (a) the total aggregate surcharge collected by ~~[local entities in]~~ the state in the last
 1580 fiscal year under ~~[Sections 69-2-5 and 69-2-5.6]~~ Title 69, Chapter 2, Part 4, Emergency Service
 1581 Charges;

1582 (b) the amount of each disbursement from the restricted accounts~~;~~ described in:

1583 (i) Section 63H-7a-303;

1584 (ii) Section 63H-7a-304; and

1585 (iii) Section 63H-7a-403;

1586 (c) the recipient of each disbursement, ~~[or]~~ the goods and services received,
 1587 [describing] and a description of the project [for which money was disbursed, or goods and
 1588 services provided] funded by the disbursement;

1589 (d) ~~[the conditions, if any, placed by a division, the authority, the executive director, or~~
 1590 ~~the board on]~~ any conditions placed by the authority on the disbursements from a restricted
 1591 account;

1592 (e) the anticipated expenditures from the restricted accounts described in this chapter
 1593 for the next fiscal year;

1594 (f) the amount of any unexpended funds carried forward;

1595 (g) the goals for implementation of the authority strategic plan and the progress report
 1596 of accomplishments and updates to the plan~~;~~ and a progress report of implementation of
 1597 statewide 911 emergency services, including~~;~~]; and

1598 ~~[(i) fund balance or balance sheet from the emergency telephone service fund of each~~
 1599 ~~agency that has imposed a levy under Section 69-2-5;]~~

1600 ~~[(ii) a report from each public safety answering point of annual call activity separating~~
 1601 ~~wireless and land-based 911 call volumes; and]~~

1602 ~~[(iii)]~~ (h) other relevant justification for ongoing support from the restricted accounts
 1603 created by Sections 63H-7a-303, 63H-7a-304, and 63H-7a-403~~;~~ and].

1604 ~~[(h) the anticipated expenditures from the restricted accounts.]~~

1605 Section 15. Section **63H-7a-206** is repealed and reenacted to read:

1606 **63H-7a-206. Strategic plan.**

1607 (1) The authority shall create, maintain and review annually a statewide,
 1608 comprehensive multiyear strategic plan in consultation with state and local stakeholders and

1609 the regional advisory committees created in Section 63H-7a-207 that:

1610 (a) coordinates the authority's activities and duties in the:

1611 (i) 911 Division;

1612 (ii) Radio Network Division;

1613 (iii) Interoperability Division; and

1614 (iv) Administrative Services Division; and

1615 (b) includes a plan for:

1616 (i) the public safety communications network;

1617 (ii) developing new systems;

1618 (iii) expanding existing systems, including microwave and fiber optics based systems;

1619 (iv) statewide interoperability;

1620 (v) statewide coordination; and

1621 (vi) FirstNet standards.

1622 (2) The executive director shall update the strategic plan described in Subsection (1)

1623 before July 1 of each year.

1624 (3) The executive director shall, before December 1 of each year, report on the strategic

1625 plan described in Subsection (1) to:

1626 (a) the board;

1627 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and

1628 (c) the Legislative Management Committee.

1629 (4) The authority shall consider the strategic plan described in Subsection (1) before

1630 spending funds in the restricted accounts created by this chapter.

1631 Section 16. Section **63H-7a-207** is enacted to read:

1632 **63H-7a-207. Regional advisory committees.**

1633 (1) There are established seven regional advisory committees composed of at most 12

1634 members each, with one regional advisory committee each for:

1635 (a) the region composed of Box Elder, Cache, and Rich counties;

1636 (b) the region composed of Beaver, Garfield, Iron, Kane, and Washington counties;

1637 (c) the region composed of Summit, Utah, and Wasatch counties;

1638 (d) the region composed of Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties;

1639 (e) the region composed of Carbon, Emery, Grand, and San Juan counties;

- 1640 (f) the region composed of Daggett, Duchesne, and Uintah counties; and
1641 (g) the region composed of Davis, Weber, Morgan, Salt Lake, and Tooele counties.
1642 (2) For each regional advisory committee described in Subsection (1), an association of
1643 governments representing the region served by the regional advisory committee shall appoint
1644 members to the regional advisory committee in accordance with Subsection (3).
1645 (3) An association of governments may appoint an individual to a regional advisory
1646 committee if the individual:
1647 (a) is at least one of the following:
1648 (i) a user of:
1649 (A) the statewide public safety communications network; or
1650 (B) a public safety radio system;
1651 (ii) an individual with experience:
1652 (A) in law enforcement;
1653 (B) in fire service; or
1654 (C) at a public safety answering point; or
1655 (iii) an individual in a leadership position that involves public safety communication;
1656 and
1657 (b) is knowledgeable about the region of the state served by the regional advisory
1658 committee.
1659 (4) In addition to the individuals appointed under Subsection (3), each association of
1660 government shall appoint to each regional advisory committee at least one and up to two
1661 individuals that represent the telecommunications industry.
1662 (5) Each regional advisory committee shall review, discuss, and make
1663 recommendations to the executive director regarding:
1664 (a) the public safety communications network;
1665 (b) the interoperability of emergency response systems;
1666 (c) the trends and standards in the public safety industry and in public safety
1667 technology;
1668 (d) the statewide strategic plan described in Section [63H-7a-204](#); and
1669 (e) the development of cooperative partnerships.
1670 (6) Each regional advisory committee shall meet:

- 1671 (a) as necessary to discuss the items described in Subsection (5); and
 1672 (b) no fewer than two times in each year.
 1673 (7) Each regional advisory committee shall report to the board:
 1674 (a) before September 1 at least once each year regarding:
 1675 (i) the regional advisory committee's findings during the year; and
 1676 (ii) any recommendations from the regional advisory committee to the board; and
 1677 (b) at any board meeting at which the regional advisory committee requests an
 1678 opportunity to report to the board.

1679 Section 17. Section **63H-7a-208** is enacted to read:

1680 **63H-7a-208. Public safety network user fees.**

1681 The board may assess a service fee on a user of the public safety communications
 1682 network and systems related to the public safety communications network in an amount
 1683 determined in accordance with Section [63J-1-504](#).

1684 Section 18. Section **63H-7a-302** is amended to read:

1685 **63H-7a-302. 911 Division duties and powers.**

1686 (1) The 911 Division shall:

1687 [~~(a) review and make recommendations to the executive director;~~]

1688 [~~(i) regarding;~~]

1689 [~~(A)~~] (a) develop and report to the director minimum standards and best practices for
 1690 public safety answering points in the state, including minimum technical, administrative, fiscal,
 1691 network, and operational standards [for the implementation of unified statewide 911
 1692 emergency services] for public safety answering points and dispatch centers in the state;

1693 [~~(B)~~] (b) investigate and report to the director on emerging technology; [and]

1694 [~~(C) expenditures from the restricted accounts created in Section [69-2-5.6](#) by the 911~~]
 1695 ~~Division on behalf of local public safety answering points in the state, with an emphasis on~~
 1696 ~~efficiencies and coordination in a regional manner;]~~

1697 [~~(ii) to assure~~] (c) monitor and coordinate the implementation of [a] the unified
 1698 statewide 911 emergency services network;

1699 [~~(iii) to establish standards of operation throughout the state; and]~~

1700 [~~(iv) regarding~~] (d) investigate and recommend to the director mapping systems and
 1701 technology necessary to implement the unified statewide 911 emergency services network;

- 1702 ~~[(b)]~~ (e) prepare and submit to the executive director for approval by the board:
- 1703 (i) an annual budget for the 911 Division;
- 1704 (ii) an annual plan for the ~~[programs]~~ projects funded by the ~~[Computer Aided~~
- 1705 ~~Dispatch]~~ Physical Consolidation Restricted Account created in Section ~~63H-7a-303~~ and the
- 1706 Unified Statewide 911 Emergency Service Account created in Section ~~63H-7a-304~~; and
- 1707 (iii) information required by the director to contribute to the comprehensive strategic
- 1708 plan described in ~~[Subsection 63H-7a-204(18)]~~ Section 63H-7a-206;
- 1709 ~~[(c) assist local Utah public safety answering points with the implementation and~~
- 1710 ~~coordination of the 911 Division responsibilities as approved by the executive director and the~~
- 1711 ~~board;]~~
- 1712 ~~[(d) reimburse the state's Automated Geographic Reference Center in the Division of~~
- 1713 ~~Integrated Technology of the Department of Technology Services, an amount equal to 1 cent~~
- 1714 ~~per month levied on telecommunications service under Section 69-2-5.6 to enhance and~~
- 1715 ~~upgrade digital mapping standards for unified statewide 911 emergency service as required by~~
- 1716 ~~the division; and]~~
- 1717 ~~[(e) fulfill all other duties imposed on the 911 Division by this chapter.]~~
- 1718 (f) assist public safety answering points implementing and coordinating the unified
- 1719 statewide 911 emergency services network; and
- 1720 (g) coordinate the development of an interoperable computer aided dispatch platform:
- 1721 (i) for public safety answering points; and
- 1722 (ii) where needed, to assist public safety answering points with the creation or
- 1723 integration of the interoperable computer aided dispatch system.
- 1724 (2) The 911 Division may recommend to the executive director to sell, lease, or
- 1725 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
- 1726 authority that is related to funds expended from the ~~[restricted account created in Sections~~
- 1727 ~~69-2-5.5 and 69-2-5.6]~~ Physical Consolidation Restricted Account created in Section
- 1728 63H-7a-303 or the Unified Statewide 911 Emergency Service Account, the proceeds from
- 1729 which shall return to the respective restricted accounts.
- 1730 (3) The 911 Division may make recommendations to the executive director ~~[to own;~~
- 1731 ~~operate, or enter into contracts]~~ for the use of the funds expended from the ~~[restricted account~~
- 1732 ~~created in Section 69-2-5.5]~~ Physical Consolidation Restricted Account created in Section

1733 [63H-7a-303](#).

1734 (4) (a) The 911 Division shall review information regarding:

1735 (i) in aggregate, the number of service subscribers by service type in a political
1736 subdivision;

1737 (ii) network costs;

1738 (iii) public safety answering point costs;

1739 (iv) system engineering information; and

1740 (v) ~~[a]~~ the computer aided dispatch system.

1741 (b) In accordance with Subsection (4)(a) the 911 Division may request:

1742 (i) information as described in Subsection (4)(a)(i) from the State Tax Commission;

1743 and

1744 (ii) information from public safety answering points related to the computer aided
1745 dispatch system.

1746 (c) The information requested by and provided to the 911 Division under Subsection
1747 (4) is a protected record in accordance with Section [63G-2-305](#).

1748 (5) The 911 Division shall recommend to the executive director, for approval by the
1749 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

1750 (a) administer the program funded by the Unified Statewide 911 Emergency Service
1751 restricted account created in Section [63H-7a-304](#), including rules that establish the criteria,
1752 standards, technology, and equipment that a public safety answering point ~~[in Utah must]~~ is
1753 required to adopt in order to qualify for goods or services that are funded from the restricted
1754 account; and

1755 (b) administer the ~~[Computer Aided Dispatch]~~ Physical Consolidation Restricted
1756 Account created in Section [63H-7a-303](#), including rules that establish the criteria, standards,
1757 technology, and equipment that a public safety answering point ~~[must]~~ is required to adopt in
1758 order to qualify as a recipient of goods or services that are funded from the restricted account.

1759 (6) The board may authorize the 911 Division to employ an outside consultant to study
1760 and advise the division on matters related to the 911 Division duties regarding the public safety
1761 communications network.

1762 (7) This section does not expand the authority of the State Tax Commission to request
1763 additional information from a telecommunication service provider.

1764 Section 19. Section **63H-7a-303** is amended to read:

1765 **63H-7a-303. Physical Consolidation Restricted Account -- Creation --**

1766 **Administration -- Permitted uses.**

1767 (1) There is created a restricted account within the General Fund known as the
1768 "~~Computer Aided Dispatch~~ Physical Consolidation Restricted Account," consisting of:

1769 (a) proceeds from the fee imposed ~~[in]~~ by Section ~~[69-2-5.5]~~ 69-2-402;

1770 (b) money appropriated or otherwise made available by the Legislature; and

1771 (c) contributions of money from federal agencies, political subdivisions of the state,
1772 persons, or corporations.

1773 ~~[(2) The money in this restricted account shall be used exclusively for the following~~
1774 ~~statewide public purposes:]~~

1775 ~~[(a) enhancing public safety as provided in this chapter; and]~~

1776 ~~[(b) creating a shared computer aided dispatch system including:]~~

1777 ~~[(i) an interoperable computer aided dispatch platform that will be selected, shared, or~~
1778 ~~hosted on a statewide or regional basis;]~~

1779 ~~[(ii) an interoperable computer aided dispatch platform selected by a county of the first~~
1780 ~~class, when:]~~

1781 ~~[(A) authorized through an interlocal agreement between the county's two primary~~
1782 ~~public safety answering points; and]~~

1783 ~~[(B) the county's computer aided dispatch platform is capable of interfacing with the~~
1784 ~~platform described in Subsection (2)(b)(i); and]~~

1785 ~~[(iii) a statewide computer aided dispatch system data sharing platform to provide~~
1786 ~~interoperability of systems.]~~

1787 ~~[(3) (a) The 911 Division shall coordinate the development of an interoperable CAD to~~
1788 ~~CAD platform:]~~

1789 ~~[(i) for public safety answering points; and]~~

1790 ~~[(ii) where needed, to assist public safety answering points with the creation or~~
1791 ~~integration of the interoperable computer aided dispatch system.]~~

1792 ~~[(b) The Administrative Services Division shall, in accordance with Section~~
1793 ~~63H-7a-602:]~~

1794 ~~[(i) annually report to the executive director the 911 Division's authorized~~

1795 disbursements from the restricted account;]
1796 ~~[(ii) be responsible for the care, custody, safekeeping, collection, and accounting for~~
1797 ~~disbursements; and]~~
1798 ~~[(iii) submit an annual report to the executive director, which shall include:]~~
1799 ~~[(A) the amount of each disbursement from the restricted account;]~~
1800 ~~[(B) the recipient of each disbursement and a description of the project for which~~
1801 ~~money was disbursed;]~~
1802 ~~[(C) the conditions, if any, placed by the 911 Division, the board, or the Administrative~~
1803 ~~Services Division on disbursements from the amount appropriated from the restricted account;]~~
1804 ~~[(D) the planned expenditures from the restricted account for the next fiscal year; and]~~
1805 ~~[(E) the amount of any unexpended funds carried forward.]~~
1806 ~~[(4) (a) The Administrative Services Division may request information from a public~~
1807 ~~safety answering point as necessary to prepare the report required by this section.]~~
1808 ~~[(b) A recipient of goods or services under this section shall provide the information~~
1809 ~~requested pursuant to Subsection (4)(a).]~~
1810 ~~[(5) Subject to appropriation, the Administrative Services Division, created in Section~~
1811 ~~63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities~~
1812 ~~imposed by this section.]~~
1813 ~~[(6) Subject to an annual legislative appropriation from the restricted account to the~~
1814 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~
1815 ~~money in the fund, based on the authorization of the board and the 911 Division under~~
1816 ~~Subsection 63H-7a-302(5).]~~
1817 (2) (a) Subject to this Subsection (2) and appropriations by the Legislature, the
1818 authority may use funds in the Physical Consolidation Restricted Account to facilitate the
1819 creation of a single, physically consolidated public safety answering point to serve a county or
1820 multiple contiguous counties, including:
1821 (i) purchasing an interoperable computer aided dispatch platform for the consolidated
1822 public safety answering point or for multiple public safety answering points to share or host on
1823 a county or regional basis; and
1824 (ii) purchasing public safety answering point equipment required for answering and
1825 responding to an emergency communication, including public safety dispatch equipment and

1826 consoles.

1827 (b) The authority may not expend funds in the Physical Consolidation Restricted

1828 Account to facilitate public safety answering point:

1829 (i) facility construction, purchase, or lease;

1830 (ii) reoccurring costs; or

1831 (iii) hardware or software maintenance.

1832 (c) In order for public agencies seeking to establish a physically consolidated public

1833 safety answering point to qualify for disbursement of funds from the Physical Consolidation

1834 Restricted Account under Subsection (2), the public agencies shall provide the authority an

1835 executed interlocal agreement between the governing authorities of the public agencies that

1836 includes:

1837 (i) a plan for establishing a single, physically consolidated public safety answering

1838 point for a county or for establishing a physically consolidated public safety answering point

1839 for multiple contiguous counties;

1840 (ii) the date the public agencies will transition public safety answering point functions

1841 to the physically consolidated public safety answering point;

1842 (iii) a financial operating plan for the physically consolidated public safety answering

1843 point; and

1844 (iv) an organizational and governance structure for the physically consolidated public

1845 safety answering point.

1846 (3) (a) In expending funds in the Physical Consolidation Restricted Account, the

1847 authority shall give a higher priority to an expenditure that:

1848 (i) best promotes statewide public safety;

1849 (ii) best promotes interoperability;

1850 (iii) impacts the largest service territory;

1851 (iv) impacts a densely populated area; or

1852 (v) impacts an underserved area.

1853 (b) The executive director shall recommend to the board expenditures for the authority

1854 to make from the Physical Consolidation Restricted Account in accordance with this

1855 Subsection (3).

1856 (4) Subject to an appropriation by the Legislature and approval by the board, the

1857 Administrative Services Division may expend funds from the Physical Consolidation
1858 Restricted Account to cover the Administrative Services Division's administrative costs related
1859 to the Physical Consolidation Restricted Account.

1860 (5) On July 1, 2022, all funds in the Physical Consolidation Restricted Account shall
1861 automatically transfer to the Unified Statewide 911 Emergency Service Account created in
1862 Section [63H-7a-304](#).

1863 Section 20. Section **63H-7a-304** is amended to read:

1864 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
1865 **Administration -- Permitted uses.**

1866 (1) There is created a restricted account within the General Fund known as the "Unified
1867 Statewide 911 Emergency Service Account," consisting of:

1868 (a) proceeds from the fee imposed in Section [~~69-2-5.6~~] [69-2-403](#);

1869 (b) money appropriated or otherwise made available by the Legislature; and

1870 (c) contributions of money, property, or equipment from federal agencies, political
1871 subdivisions of the state, persons, or corporations.

1872 [~~(2) The money in this restricted account shall be used exclusively for the statewide~~
1873 ~~public]~~

1874 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and
1875 appropriations by the Legislature, the authority may disburse funds in the Unified Statewide
1876 911 Emergency Service Account for the purpose of enhancing the statewide public safety
1877 communications network [~~related to the rapid and efficient delivery of~~] in order to rapidly and
1878 efficiently deliver 911 services in the state.

1879 (b) In expending funds in the Unified Statewide 911 Emergency Service Account, the
1880 authority shall give a higher priority to an expenditure that:

1881 (i) best promotes statewide public safety;

1882 (ii) best promotes interoperability;

1883 (iii) impacts the largest service territory;

1884 (iv) impacts a densely populated area; or

1885 (v) impacts an underserved area.

1886 (c) The authority shall expend funds in the Unified Statewide 911 Emergency Service
1887 Account in accordance with the authority strategic plan described in Section [63H-7a-206](#).

1888 (d) The executive director shall recommend to the board expenditures for the authority
 1889 to make from the Unified Statewide 911 Emergency Service Account in accordance with this
 1890 Subsection (2).

1891 (3) Subject to an ~~[annual legislative]~~ appropriation ~~[from the restricted account to the~~
 1892 ~~Administrative Services Division]~~ by the Legislature and approval by the board, the
 1893 Administrative Services Division ~~[shall disburse the money]~~ may use funds in the ~~[fund, based~~
 1894 ~~on the authorization of the board and the 911 Division under Subsection 63H-7a-302(5).]~~
 1895 Unified Statewide 911 Emergency Service Account to cover the Administrative Services
 1896 Division's administrative costs related to the Unified Statewide 911 Emergency Service
 1897 Account.

1898 (4) (a) The authority may reimburse from the Unified Statewide 911 Emergency
 1899 Service Account to the Automated Geographic Reference Center created in Section 63F-1-506
 1900 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge
 1901 deposited into the Unified Statewide 911 Emergency Service Account under Section 69-2-403.

1902 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the
 1903 Automated Geographic Reference Center under Subsection (4)(a) to:

1904 (i) enhance and upgrade digital mapping standards; and
 1905 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
 1906 service.

1907 Section 21. Section **63H-7a-403** is amended to read:

1908 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
 1909 **Administration.**

1910 (1) There is created a restricted account within the General Fund known as the "Utah
 1911 Statewide Radio System Restricted Account," consisting of:

1912 (a) money appropriated or otherwise made available by the Legislature; and
 1913 (b) contributions of money from federal agencies, political subdivisions of the state,
 1914 persons, or corporations.

1915 ~~[(2) The money in this restricted account shall be used exclusively for the statewide]~~

1916 (2) (a) Subject to appropriations by the Legislature and subject to this Subsection (2),
 1917 the authority may expend funds in the Utah Statewide Radio System Restricted Account for the
 1918 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio

1919 system public safety communications network as authorized in Section [63H-7a-202](#), including:

1920 ~~[(a)-a]~~ (i) public safety communications network and related facilities, real property,
1921 improvements, and equipment necessary for the acquisition, construction, and operation of
1922 services and facilities;

1923 ~~[(b)]~~ (ii) installation, implementation, and maintenance of the public safety
1924 communications network;

1925 ~~[(c)]~~ (iii) maintaining ~~[the]~~ or upgrading VHF and 800 MHz radio networks; and

1926 ~~[(d)]~~ (iv) an operating budget to include personnel costs not otherwise covered by
1927 funds from another account.

1928 (b) For each radio network charge that is deposited into the Utah Statewide Radio
1929 System Restricted Account under Section [69-2-404](#), the authority may spend, subject to an
1930 appropriation by the Legislature and this Subsection (2):

1931 (i) 18 cents to maintain the public safety communications network, including:

1932 (A) the 800 MHz and VHF radio networks;

1933 (B) OMNILINK connectivity; and

1934 (C) funding a statewide interoperability coordinator; and

1935 (ii) 20 cents to acquire, construct, equip, and install property for, and to make
1936 improvements to, the 800 MHz radio system.

1937 (c) In expending funds in the Utah Statewide Radio System Restricted Account, the
1938 authority shall give a higher priority to an expenditure that:

1939 (i) best promotes statewide public safety;

1940 (ii) best promotes interoperability;

1941 (iii) impacts the largest service territory;

1942 (iv) impacts a densely populated area; or

1943 (v) impacts an underserved area.

1944 (d) The authority shall expend funds in the Utah Statewide Radio System Restricted
1945 Account in accordance with the authority strategic plan described in Section [63H-7a-206](#).

1946 (e) The executive director shall recommend to the board expenditures for the authority
1947 to make from the Utah Statewide Radio System Restricted Account in accordance with this
1948 Subsection (2).

1949 (3) ~~[(a)]~~ Subject to ~~[appropriation]~~ appropriations by the Legislature, the

1950 Administrative Services Division~~[, created in Section 63H-7a-601 may charge the]~~ may expend
 1951 funds in the Utah Statewide Radio System Restricted Account for administrative costs
 1952 [incurred in discharging the responsibilities imposed by this section] that the Administrative
 1953 Services Division incurs related to the Utah Statewide Radio System Restricted Account.

1954 ~~[(b) Subject to an annual legislative appropriation from the restricted account to the~~
 1955 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~
 1956 ~~money in the fund, based on the authorization of the board and the Radio Network Division~~
 1957 ~~under Subsection 63H-7a-402(1)(d).]~~

1958 Section 22. Section 63H-7a-404 is amended to read:

1959 **63H-7a-404. Public safety communications network -- Maintenance -- Upgrade --**
 1960 **Comprehensive plan -- Stakeholder meeting -- Report.**

1961 (1) The Radio Network Division shall~~[(a)(i)]~~ administer the development,
 1962 installation, implementation, and maintenance of the ~~[Utah Statewide Public Safety~~
 1963 ~~Communications network system]~~ public safety communications network for the authority~~[:]~~.

1964 ~~[(ii) spend up to \$1,500,000 of the one-time appropriation in fiscal year 2015-16 for a~~
 1965 ~~study, the scope of which shall be determined by the board based on the advice of the Radio~~
 1966 ~~Network Division, the 911 Division, and the executive director, to complete a detailed design~~
 1967 ~~and planning proposal for the upgrade and expansion of all phases of the public safety~~
 1968 ~~communication network, which shall include at least:]~~

1969 ~~[(A) the system design for the state backbone and the implications of local coverage;]~~

1970 ~~[(B) whether other public safety communications networks can be integrated with the~~
 1971 ~~state backbone;]~~

1972 ~~[(C) estimates of the full cost of completing the state backbone to specified standards,~~
 1973 ~~local subsystems, and the potential advantages of using a request for proposal approach to~~
 1974 ~~solicit private and public sector participation in the project;]~~

1975 ~~[(D) a financial analysis estimating funds necessary to cover debt service of revenue~~
 1976 ~~bonds issued to finance the cost of completing the statewide radio system upgrade and~~
 1977 ~~expansion; and]~~

1978 ~~[(E) a review of the project governance and implementation; and]~~

1979 ~~[(iii) spend the remainder of the one-time appropriation in the 2015-16 fiscal year:]~~

1980 ~~[(A) for exigent circumstances related to the public safety communications network;]~~

1981 ~~[(B) to purchase dispatch radio consoles; and]~~

1982 ~~[(C) for other needs identified within the detailed design proposal.]~~

1983 ~~[(b) The one-time appropriation in the 2015-16 fiscal year to the Radio Network~~
1984 ~~Division is non-lapsing.]~~

1985 ~~[(c) (i) When the study under Subsection (1)(a) is complete, the board shall report to~~
1986 ~~the Legislative Executive Appropriations Committee, which shall study appropriate funding~~
1987 ~~mechanisms for upgrade and maintenance of the statewide radio system network.]~~

1988 ~~[(ii) The division shall annually report to the executive director and the board the~~
1989 ~~Radio Network Division's authorized disbursements from the restricted account.]~~

1990 ~~[(2) Current radio user fees imposed by the authority may be repealed on July 1, 2016,~~
1991 ~~contingent upon an ongoing funding source being established for the construction of a new~~
1992 ~~public safety communications network and the operation and maintenance of the authority.]~~

1993 ~~[(3) In accordance with Section 63H-7a-603, the Administrative Services Division is~~
1994 ~~responsible for the care, custody, safekeeping, collection, and accounting for disbursements~~
1995 ~~from the Utah Statewide Radio System Restricted Account and shall submit an annual report to~~
1996 ~~the executive director for approval by the board.]~~

1997 (2) The Radio Network Division and the executive director shall, before January 15,
1998 2018, meet with all public safety communications network stakeholders, including any access
1999 line provider in the state, to:

2000 (a) identify the locations and functional capabilities of existing public and private
2001 communications facilities in the state; and

2002 (b) develop a detailed, comprehensive plan for:

2003 (i) repairing and maintaining the existing public safety communications network; and

2004 (ii) upgrading the public safety communications network.

2005 (3) The plan described in Subsection (2) shall include:

2006 (a) a statewide system design;

2007 (b) anticipated coverage maps;

2008 (c) any public and private communications facilities that can be integrated with the
2009 public safety communications network; and

2010 (d) a detailed cost estimate for maintaining or upgrading the public safety
2011 communications network.

2012 (4) In addition to meeting with stakeholders under Subsection (2), the authority shall
 2013 issue a request for information for maintaining or upgrading the public safety communications
 2014 network such that the authority receives all request for information responses before January
 2015 15, 2018.

2016 (5) The authority shall report on the authority's progress in implementing this section to
 2017 the Public Utilities, Energy, and Technology Interim Committee before November 1, 2017.

2018 Section 23. Section **63H-7a-502** is amended to read:

2019 **63H-7a-502. Interoperability Division duties.**

2020 (1) The Interoperability Division shall:

2021 (a) review and make recommendations to the executive director, for approval by the
 2022 board, regarding:

2023 (i) statewide interoperability coordination and FirstNet standards;

2024 (ii) technical, administrative, fiscal, technological, network, and operational issues for
 2025 the implementation of statewide interoperability, coordination, and FirstNet;

2026 (iii) assisting [~~local~~] public agencies with the implementation and coordination of the
 2027 Interoperability Division responsibilities; and

2028 (iv) training for the public safety communications network and unified statewide 911
 2029 emergency services;

2030 (b) review information and records regarding:

2031 (i) aggregate information of the number of service subscribers by service type in a
 2032 political subdivision;

2033 (ii) matters related to statewide interoperability coordination;

2034 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and

2035 (iv) training needs;

2036 (c) prepare and submit to the executive director for approval by the board:

2037 (i) an annual plan for the Interoperability Division; and

2038 (ii) information required by the director to contribute to the comprehensive strategic
 2039 plan described in [~~Subsection~~] Section 63H-7a-204~~(18)~~; and

2040 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.

2041 (2) The Interoperability Division may:

2042 (a) recommend to the executive director to own, operate, or enter into contracts related

2043 to statewide interoperability, FirstNet, and training;

2044 (b) request information needed under Subsection (1)(b)(i) from:

2045 (i) the State Tax Commission; and

2046 (ii) public safety agencies; and

2047 (c) employ an outside consultant to study and advise the Interoperability Division on:

2048 (i) issues of statewide interoperability;

2049 (ii) FirstNet; and

2050 (iii) training[~~;~~ and].

2051 [~~d~~] request the board to appoint an advisory committee in accordance with Section
2052 [63H-7a-504](#).]

2053 (3) The information requested by and provided to the Interoperability Division under
2054 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

2055 (4) This section does not expand the authority of the State Tax Commission to request
2056 additional information from a telecommunication service provider.

2057 Section 24. Section **63H-7a-601** is amended to read:

2058 **63H-7a-601. Administrative Services Division -- Creation -- Legal services.**

2059 (1) This part is known as ~~the~~ "Administrative Services Division."

2060 (2) There is created within the authority the Administrative Services Division.

2061 (3) The Administrative Services Division shall provide financial and human resources
2062 assistance to the authority under the direction of the board and the executive director.

2063 (4) At the board's request and with the board's approval, the Administrative Services
2064 Division ~~shall~~ may establish or contract for legal services for the authority.

2065 Section 25. Section **63H-7a-602** is repealed and reenacted to read:

2066 **63H-7a-602. Duties -- Administrative Services Division -- Accounting for**
2067 **authority disbursements.**

2068 The Administrative Services Division is responsible for the care, custody, safekeeping,
2069 collection, and accounting for disbursements made by the authority under:

2070 (1) Section [63H-7a-303](#);

2071 (2) Section [63H-7a-304](#); and

2072 (3) Section [63H-7a-403](#).

2073 Section 26. Section **63H-7a-603** is amended to read:

2074 **63H-7a-603. Financial officer -- Duties.**

2075 (1) The executive director shall appoint a financial officer for the Administrative
2076 Services Division with the approval of the board.

2077 (2) The financial officer shall be responsible for accounting for the authority,
2078 including:

2079 (a) safekeeping and investment of public funds of the authority, including the funds
2080 expended from the restricted accounts created in [~~Sections 69-2-5.5, 69-2-5.6, 69-2-5.7, and~~
2081 ~~69-2-5.8~~] this chapter;

2082 (b) the proper collection, deposit, disbursement, and management of the public funds
2083 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

2084 (c) having authority to sign all bills payable, notes, checks, drafts, warrants, or other
2085 negotiable instruments in the absence of the executive director and the executive director's
2086 designated employee;

2087 (d) providing to the board and the executive director a statement of the condition of the
2088 finances of the authority, at least annually and at such other times as shall be requested by the
2089 board; and

2090 (e) performing all other duties incident to the financial officer.

2091 [(2)] (3) The financial officer shall:

2092 (a) be bonded in an amount established by the State Money Management Council; and

2093 (b) file written reports with the State Money Management Council pursuant to Section
2094 51-7-15.

2095 Section 27. Section **63H-7a-701** is amended to read:

2096 **63H-7a-701. Bond authorized -- Payment -- Security -- Liability -- Purpose --**
2097 **Exemption from certain taxes.**

2098 (1) (a) The authority shall report its intent to issue bonds under this part to the
2099 Legislature's Executive Appropriations Committee prior to the board adopting a resolution to
2100 issue a bond under [~~Subsection~~] Section 63H-7a-702.

2101 (b) The Legislature's Executive Appropriations Committee may, but is not required to,
2102 advise the board regarding the Executive Appropriations Committee's determination that:

2103 (i) issuing a bond is necessary to carry out the duties and operation of the authority, and
2104 the state's strategic plan adopted under Subsection 63H-7a-204(18); or

- 2105 (ii) issuing a bond is:
- 2106 (A) not necessary to carry out the duties and operation of the authority, and the state's
- 2107 strategic plan adopted under Subsection 63H-7a-204(18); or
- 2108 (B) not appropriate based on some other reason decided by the Executive
- 2109 Appropriations Committee.
- 2110 (2) The authority may:
- 2111 (a) issue bonds from time to time for any of its corporate purposes provided in Section
- 2112 63H-7a-102;
- 2113 (b) issue refunding bonds for the purpose of paying or retiring bonds previously issued
- 2114 by it;
- 2115 (c) issue bonds on which the principal and interest are payable:
- 2116 (i) exclusively from the income, purchase or lease payments, and revenues of all or a
- 2117 portion of the public safety communications network; or
- 2118 (ii) from its revenues generally.
- 2119 (3) Any bonds issued by the authority may be additionally secured by a pledge of any
- 2120 loan, lease, grant, agreement, appropriation, or contribution, in whole or in part, from the
- 2121 federal government, the state, or other source, or a pledge of any income or revenue of the
- 2122 authority.
- 2123 (4) The officers of the authority and any person executing the bonds are not liable
- 2124 personally on the bonds.
- 2125 (5) (a) The bonds and other obligations of the authority are not a debt of any member
- 2126 or state representative of the authority, and do not constitute indebtedness for purposes of any
- 2127 constitutional or statutory debt limitation or restrictions.
- 2128 (b) The face of the bonds and other obligations shall state the provisions of Subsection
- 2129 (5)(a).
- 2130 (6) Any bonds of the authority shall be revenue obligations, payable solely from the
- 2131 proceeds, revenues, or purchase and lease payments received by the authority for the public
- 2132 safety communications network.
- 2133 (7) The full faith and credit of any member or state representative may not be pledged
- 2134 directly or indirectly for the payment of the bonds.
- 2135 (8) A member or state representative may not incur any pecuniary liability under this

2136 chapter until it enters into a service contract, lease, or other financing obligation with the
2137 authority. Once a member enters into a service contract, lease, or other financing obligation
2138 with the authority, the member shall be obligated to the authority as provided in that contract,
2139 lease, or financing obligation.

2140 (9) A bond or obligation may not be made payable out of any funds or properties other
2141 than those of the authority.

2142 (10) Bonds of the authority are:

2143 (a) declared to be issued for an essential public and governmental purpose by public
2144 instrumentalities; and

2145 (b) together with interest and income, exempt from all taxes, except the corporate
2146 franchise tax.

2147 (11) The provisions of this chapter exempting the properties of the authority and its
2148 bonds and interest and income on them from taxation shall be considered part of the contract
2149 for the security of bonds and have the force of contract, by virtue of this part and without the
2150 necessity of this being restated in the bonds, between the bondholders, including all transferees
2151 of the bonds, the authority and the state.

2152 Section 28. Section **63H-7a-803** is amended to read:

2153 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

2154 (1) The Utah Communications Authority is exempt from:

2155 (a) Title 63A, Utah Administrative Services Code, except as provided in Section
2156 [63A-4-205.5](#);

2157 (b) Title 63G, Chapter 4, Administrative Procedures Act;

2158 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

2159 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

2160 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
2161 human resource policies substantially similar to those from which they have been exempted in
2162 Subsection (1).

2163 (b) The authority, the board, and the committee members are subject to Title 67,
2164 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

2165 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

2166 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

2167 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may
2168 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

2169 Section 29. Section **63I-1-269** is amended to read:

2170 **63I-1-269. Repeal dates, Title 69.**

2171 Section [~~69-2-5.6~~] [69-2-403](#), emergency services telecommunications charge to fund
2172 unified statewide 911 emergency service, is repealed July 1, 2021.

2173 Section 30. Section **63I-2-263** is amended to read:

2174 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

2175 (1) Section [63A-5-227](#) is repealed on January 1, 2018.

2176 (2) Section [63H-7a-303](#) is repealed on July 1, 2022.

2177 [~~(2)~~] (3) Subsection [63N-3-109\(2\)\(f\)\(i\)\(B\)](#) is repealed July 1, 2020.

2178 [~~(3)~~] (4) Section [63N-3-110](#) is repealed July 1, 2020.

2179 Section 31. Section **63I-2-269** is enacted to read:

2180 **63I-2-269. Repeal dates, Title 69.**

2181 Section [69-2-402](#) is repealed on July 1, 2022.

2182 Section 32. Section **63J-1-602.4** is amended to read:

2183 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63N.**

2184 (1) Funds paid to the Division of Real Estate for the cost of a criminal background
2185 check for a mortgage loan license, as provided in Section [61-2c-202](#).

2186 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
2187 check for principal broker, associate broker, and sales agent licenses, as provided in Section
2188 [61-2f-204](#).

2189 (3) Certain funds donated to the Department of Human Services, as provided in
2190 Section [62A-1-111](#).

2191 (4) Appropriations from the National Professional Men's Basketball Team Support of
2192 Women and Children Issues Restricted Account created in Section [62A-1-202](#).

2193 (5) Certain funds donated to the Division of Child and Family Services, as provided in
2194 Section [62A-4a-110](#).

2195 (6) Appropriations from the Choose Life Adoption Support Restricted Account created
2196 in Section [62A-4a-608](#).

2197 (7) Appropriations to the Division of Services for People with Disabilities, as provided

2198 in Section [62A-5-102](#).

2199 (8) Appropriations to the Division of Fleet Operations for the purpose of upgrading
2200 underground storage tanks under Section [63A-9-401](#).

2201 (9) A portion of the funds appropriated to the Utah Seismic Safety Commission, as
2202 provided in Section [63C-6-104](#).

2203 (10) Funds appropriated or collected for publishing the Office of Administrative Rules'
2204 publications, as provided in Section [63G-3-402](#).

2205 (11) The Immigration Act Restricted Account created in Section [63G-12-103](#).

2206 (12) Money received by the military installation development authority, as provided in
2207 Section [63H-1-504](#).

2208 (13) Appropriations from the Physical Consolidation Restricted Account created in
2209 Section [63H-7a-303](#).

2210 (14) Appropriations from the Unified Statewide 911 Emergency Service Account
2211 created in Section [63H-7a-304](#).

2212 (15) Appropriations from the Utah Statewide Radio System Restricted Account created
2213 in Section [63H-7a-404](#).

2214 ~~[(13)]~~ (16) Appropriations to the Utah Science Technology and Research Initiative
2215 created in Section [63M-2-301](#).

2216 ~~[(14)]~~ (17) Appropriations to fund the Governor's Office of Economic Development's
2217 Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2218 ~~[(15)]~~ (18) The Motion Picture Incentive Account created in Section [63N-8-103](#).

2219 ~~[(16)]~~ (19) Certain money payable for commission expenses of the Pete Suazo Utah
2220 Athletic Commission, as provided under Section [63N-10-301](#).

2221 Section 33. Section **69-2-101**, which is renumbered from Section 69-2-1 is renumbered
2222 and amended to read:

2223 **CHAPTER 2. 911 EMERGENCY SERVICE**

2224 **Part 1. General Provisions**

2225 ~~[69-2-1]~~. **69-2-101**. Title.

2226 This chapter is known as ~~[the "Emergency Telephone Service Law]~~ "911 Emergency
2227 Service."

2228 Section 34. Section **69-2-102**, which is renumbered from Section 69-2-2 is renumbered

2229 and amended to read:

2230 ~~[69-2-2]~~. **69-2-102. Definitions.**

2231 As used in this chapter:

2232 (1) "911 emergency communication" means a direct 911 communication received by a
2233 public safety answering point.

2234 ~~[(1)]~~ (2) "911 emergency service" means a unified statewide communication system
2235 ~~[which provides citizens with rapid]~~ that provides a user with direct access to a public safety
2236 ~~answering [points] point by dialing or accessing ["911" with the objective of reducing the~~
2237 ~~response time to situations requiring law enforcement, fire, medical, rescue, and other~~
2238 ~~emergency services]~~ 911.

2239 (3) (a) "Access line" means a circuit-switched connection, or the functional equivalent
2240 of a circuit-switched connection, from an end user to the public switched network.

2241 (b) "Access line" includes:

2242 (i) a local exchange service switched access line within the state;

2243 (ii) a revenue producing radio communications access line with a billing address within
2244 the state; and

2245 (iii) a line provided by a service, including voice over Internet protocol, to a user with
2246 an address within the state, that allows the user to receive a call that originates on the public
2247 switched network and terminate a call to the public switched network.

2248 (4) "Commission" means the State Tax Commission.

2249 (5) "Dispatch center" means the same as that term is defined in Section [63H-7a-103](#).

2250 ~~[(2)]~~ (6) "Local exchange service" means the provision of public telecommunications
2251 services by a wireline common carrier to customers within a geographic area encompassing one
2252 or more local communities as described in the carrier's service territory maps, tariffs, price lists,
2253 or rate schedules filed with and approved by the Public Service Commission.

2254 ~~[(3)]~~ (7) "Local exchange service switched access line" means the transmission facility
2255 and local switching equipment used by a wireline common carrier to connect a customer
2256 location to a carrier's local exchange switching network for providing two-way interactive
2257 voice, or voice capable, services.

2258 ~~[(4)]~~ (8) "Mobile telecommunications [service]" ~~[is as defined in Section [54-8b-2](#)]~~ means
2259 the same as that term is defined in 4 U.S.C. Sec. 124.

2260 ~~[(5)]~~ (9) "Public agency" means ~~[any county, city, town, special service district, or~~
2261 ~~public authority located within the state which]~~ a state government entity, a political
2262 subdivision of the state, a special service district, or an entity created by interlocal agreement
2263 that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or
2264 other emergency services.

2265 ~~[(6)]~~ (10) "Public safety agency" means a functional division of a public agency which
2266 provides fire fighting, law enforcement, medical, or other emergency services.

2267 ~~[(7)]~~ (11) "Public safety answering point" means the same as that term is defined in
2268 Section 63H-7a-203.

2269 ~~[(8)]~~ (12) "Public switched ~~[telecommunications]~~ network" ~~[means the network of~~
2270 ~~equipment, lines, and controls assembled to establish communication paths between calling~~
2271 ~~and called parties in North America]~~ means the same as that term is defined in 47 C.F.R. Sec.
2272 20.3.

2273 ~~[(9)]~~ (13) "Radio communications access line" means the radio equipment and
2274 assigned customer identification number used to connect a mobile or fixed radio customer in
2275 Utah to a radio communication service provider's network for two-way interactive voice, or
2276 voice capable, services.

2277 ~~[(10)]~~ (14) (a) "Radio communications service" means a public telecommunications
2278 service providing the capability of two-way interactive telecommunications between mobile
2279 and fixed radio customers, and between mobile or fixed radio customers and the local
2280 exchange service network customers of a wireline common carrier.

2281 (b) "Radio communications service" ~~[providers include corporations, persons or~~
2282 ~~entities offering]~~ includes:

2283 (i) cellular telephone service~~;~~₂

2284 (ii) enhanced specialized mobile radio service~~;~~₂

2285 (iii) rural radio service~~;~~₂

2286 (iv) a radio common carrier ~~[services,]~~₂

2287 (v) a personal communications ~~[services, and any equivalent]~~ service; and

2288 (vi) any wireless public telecommunications service equivalent to the services
2289 described in this Subsection (14)(b), as defined in 47 CFR, parts 20, 22, 24, and 90.

2290 ~~[(11)]~~ (15) "Voice over Internet protocol service" ~~[is as]~~ means the same as that term is

2291 defined in Section [54-19-102](#).

2292 ~~[(12)]~~ (16) "Wireline common carrier" means a public telecommunications service
 2293 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
 2294 to its local exchange service networks.

2295 Section 35. Section **69-2-201**, which is renumbered from Section 69-2-3 is renumbered
 2296 and amended to read:

2297 **Part 2. Public Safety Answering Points and Dispatch Centers**

2298 ~~[69-2-3]~~. **69-2-201. Public safety answering point -- Establishment --**

2299 **Administration -- Consolidation.**

2300 ~~[The governing authority of any]~~

2301 (1) (a) A public agency may ~~[establish a 911 emergency service]~~:

2302 (i) operate a public safety answering point to provide 911 emergency service to any
 2303 part [or all] of the [territory lying within the geographical] geographic area [of such] within the
 2304 public [agency and may join with the governing authority of] agency's jurisdiction; or

2305 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
 2306 contiguous public agency to provide 911 emergency service to any part [or all of the territory
 2307 lying within their respective] of the geographic area within the public agencies' jurisdictions.

2308 ~~[A county may provide 911 emergency service within other public safety agency jurisdictions~~
 2309 ~~only upon agreement with the governing authority of such public safety agency.]~~

2310 (b) A public agency that operates a public safety answering point in connection with a
 2311 contiguous public agency shall:

2312 (i) provide for the operation of the public safety answering point by interlocal
 2313 agreement between the public agencies; and

2314 (ii) submit a copy of the interlocal agreement to the director of the Utah
 2315 Communications Authority.

2316 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
 2317 center or a public safety answering point after January 1, 2017.

2318 (3) (a) A public agency that operates a public safety answering point established before
 2319 January 1, 2017, may:

2320 (i) continue to operate the public safety answering point; or

2321 (ii) physically consolidate the public safety answering point with another public safety

2322 answering point operated by another contiguous public agency.

2323 (b) A county may establish a public safety answering point on or after January 1, 2017,
2324 if no public safety answering point exists in the county.

2325 (4) A public agency may, in order to provide funding for operating a public safety
2326 answering point:

2327 (a) seek funds from the federal or state government;

2328 (b) seek funds appropriated by local governmental taxing authorities to fund a public
2329 safety agency; or

2330 (c) seek gifts, donations, or grants from a private entity.

2331 (5) Before July 1, 2017, each dispatch center in the state shall enter into an interlocal
2332 agreement with the governing authority of a public safety answering point that serves the
2333 county where the dispatch center is located that provides for:

2334 (a) functional consolidation of the dispatch center with the public safety answering
2335 point; and

2336 (b) a plan for the public safety answering point to provide 911 emergency service to the
2337 geographic area served by the dispatch center.

2338 (6) A special service district that operates a public safety answering point or a dispatch
2339 center:

2340 (a) shall administer the public safety answering point or dispatch center in accordance
2341 with Title 17D, Chapter 1, Special Service District Act; and

2342 (b) may raise funds, borrow money, or incur indebtedness for the purpose of
2343 maintaining the public safety answering point or the dispatch center in accordance with:

2344 (i) Section 17D-1-105; and

2345 (ii) Section 17D-1-103.

2346 Section 36. Section **69-2-202** is enacted to read:

2347 **69-2-202. Dispatch services -- Public safety answering point -- Department of**
2348 **Public Safety.**

2349 (1) A public safety answering point shall, before providing dispatch services to the
2350 Department of Public Safety:

2351 (a) enter into a written agreement with the Department of Public Safety for providing
2352 dispatch services that specifies:

2353 (i) the scope of the services that the public safety answering point will provide; and
 2354 (ii) the rate that the public safety answering point will charge the Department of Public
 2355 Safety for dispatch services; and

2356 (b) submit a copy of the agreement to:

2357 (i) the director of the Utah Communications Authority; and

2358 (ii) the commissioner of the Department of Public Safety.

2359 (2) The Department of Public Safety shall, before providing dispatch services to a
 2360 public agency as a public safety answering point:

2361 (a) enter into a written agreement with the public agency for providing dispatch
 2362 services that specifies:

2363 (i) the scope of the services that the Department of Public Safety will provide; and

2364 (ii) the rate that the Department of Public Safety will charge the public agency for
 2365 dispatch services; and

2366 (b) submit a copy of the agreement to:

2367 (i) the director of the Utah Communications Authority; and

2368 (ii) the commissioner of the Department of Public Safety.

2369 Section 37. Section **69-2-203** is enacted to read:

2370 **69-2-203. Audit to assess emergency services -- County.**

2371 Before January 1, 2018, each county in the state that is not served by a single,
 2372 consolidated public safety answering point shall conduct an audit to determine:

2373 (1) how best to provide emergency services within the county; and

2374 (2) whether the county could provide more cost efficient emergency service or improve
 2375 public safety by establishing a single public safety answering point for the county.

2376 Section 38. Section **69-2-301** is enacted to read:

2377 **Part 3. Funding for 911 Emergency Service**

2378 **69-2-301. Public safety answering point -- 911 emergency service account --**

2379 **Permitted uses of funds.**

2380 (1) A public safety answering point shall maintain in a separate emergency
 2381 telecommunications service fund any funds dispersed to the public safety answering point from
 2382 the commission under Section [69-2-302](#), from proceeds of the 911 emergency services charge
 2383 levied under Section [69-2-401](#).

2384 (2) A public safety answering point may expend the money in the emergency
2385 telecommunications service fund described in Subsection (1) to pay the costs of:
2386 (a) establishing, installing, maintaining, and operating a 911 emergency service system;
2387 (b) receiving and processing emergency communications from the 911 system or other
2388 communications or requests for emergency services;
2389 (c) integrating a 911 emergency service system into an established public safety
2390 answering point, including contracting with an access line provider or a vendor of appropriate
2391 terminal equipment as necessary to implement the 911 emergency services; or
2392 (d) indirect costs associated with the maintaining and operating of a 911 emergency
2393 services system.

2394 (3) A public safety answering point may expend revenue derived from the emergency
2395 telecommunications service fund described in Subsection (1) for personnel costs associated
2396 with receiving and processing communications and deploying emergency response resources.

2397 (4) Any unexpended funds at the end of a fiscal year in a public safety answering
2398 point's emergency telecommunications service fund described in Subsection (1) do not lapse.

2399 Section 39. Section **69-2-302** is enacted to read:

2400 **69-2-302. Distribution of 911 emergency service charge revenue.**

2401 (1) As used in this section "Proportion of total call volume" means the number of 911
2402 emergency communications that a public safety answering point receives in a year divided by
2403 the number of total 911 emergency communications for the state for the year.

2404 (2) The commission shall transmit funds collected under Section [69-2-401](#) monthly to
2405 a public safety answering point in an amount equal to the total funds collected under Section
2406 [69-2-401](#) for the current month multiplied by the average proportion of total call volume for the
2407 public safety answering point over the three years previous to the current year.

2408 (3) (a) For the purpose of the calculation described in Subsection (2), the Utah
2409 Communications Authority shall determine for each year:

2410 (i) the number of total 911 emergency communications for the state;

2411 (ii) the number of 911 emergency communications received by each public safety
2412 answering point; and

2413 (iii) the average per year, over the last three years before the current year, of total 911
2414 emergency communications for the state and 911 emergency communications received by each

2415 public safety answering point in the state.

2416 (b) The Utah Communications Authority shall report the numbers described in
 2417 Subsection (3)(a) to the commission on or before January 15 of each year.

2418 Section 40. Section **69-2-303**, which is renumbered from Section 69-2-5.8 is
 2419 renumbered and amended to read:

2420 ~~[69-2-5.8].~~ **69-2-303. State Tax Commission -- Redistribution of emergency**
 2421 **service charges revenue.**

2422 (1) As used in this section:

2423 ~~[(a) "Commission" means the State Tax Commission.]~~

2424 ~~[(i)]~~ (a) "[~~Secondary~~] Alternate recipient [~~political subdivision~~] public safety answering
 2425 point" means a [~~county, city, or town~~] public safety answering point that the commission
 2426 determines should receive a redistribution.

2427 (b) "Eligible portion of qualifying telecommunications charge revenues" means the
 2428 portion of qualifying telecommunications charge revenues that:

2429 (i) were part of an original distribution; and

2430 (ii) the commission determines should have been transmitted:

2431 (A) to [~~a secondary~~] an alternate recipient [~~political subdivision~~] public safety
 2432 answering point; and

2433 (B) during the redistribution period.

2434 (c) "Original distribution" means that the commission:

2435 (i) collects an amount of qualifying telecommunications charge revenues; and

2436 (ii) transmits the amount of qualifying telecommunications charge revenues to an
 2437 original recipient [~~political subdivision~~] public safety answering point.

2438 (d) "Original recipient [~~political subdivision~~] public safety answering point" means a
 2439 [~~county, city, or town~~] public safety answering point to which the commission makes an
 2440 original distribution.

2441 (e) "Qualifying telecommunications charge revenues" means revenues the commission
 2442 collects from a charge under[:] Title 69, Chapter 2, Part 4, Emergency Service Charges.

2443 ~~[(i) Section 69-2-5;]~~

2444 ~~[(ii) Section 69-2-5.5;]~~

2445 ~~[(iii) Section 69-2-5.6; or]~~

2446 [~~(iv) Section 69-2-5.7.~~]

2447 (f) "Redistribution" means that the commission:

2448 (i) makes an original distribution of qualifying telecommunications charge revenues to
2449 an original recipient [~~political subdivision~~] public safety answering point;

2450 (ii) after the commission makes the original distribution of qualifying
2451 telecommunications charge revenues to the original recipient [~~political subdivision~~] public
2452 safety answering point, determines that an eligible portion of qualifying telecommunications
2453 charge revenues should have been transmitted to [~~a secondary~~] an alternate recipient [~~political~~
2454 ~~subdivision~~] public safety answering point as a result of:

2455 (A) a [~~county, city, or town~~] public safety answering point providing written notice to
2456 the commission that qualifying telecommunications charge revenues that the commission
2457 distributed to an original recipient [~~political subdivision~~] public safety answering point should
2458 have been transmitted to [~~a secondary recipient political subdivision~~] an alternate recipient
2459 public safety answering point; or

2460 (B) the commission finding that an extraordinary circumstance, as defined by rule
2461 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exists
2462 that requires the commission to make a redistribution without receiving the notice described in
2463 Subsection (1)(f)(ii)(A); and

2464 (iii) in accordance with this section, transmits to the [~~secondary~~] alternate recipient
2465 [~~political subdivision~~] public safety answering point the eligible portion of qualifying
2466 telecommunications charge revenues for the redistribution period.

2467 (g) "Redistribution determination date" means the date the commission determines that
2468 [~~a secondary~~] an alternate recipient [~~political subdivision~~] public safety answering point should
2469 have received a redistribution, regardless of the date the commission actually transmits the
2470 redistribution to the [~~secondary~~] alternate recipient [~~political subdivision~~] public safety
2471 answering point.

2472 (h) "Redistribution period" means the time period:

2473 (i) if the commission determines that an eligible portion of qualifying
2474 telecommunications charge revenues should have been transmitted to [~~a secondary~~] an alternate
2475 recipient [~~political subdivision~~] public safety answering point beginning on a date that is 90 or
2476 more days before the redistribution determination date:

- 2477 (A) beginning 90 days before the redistribution determination date; and
2478 (B) ending on the redistribution determination date; or
2479 (ii) if the commission determines that an eligible portion of qualifying
2480 telecommunications charge revenues should have been transmitted to ~~[a secondary]~~ an alternate
2481 recipient ~~[political subdivision]~~ public safety answering point beginning on a date that is less
2482 than 90 days before the redistribution determination date:
- 2483 (A) beginning on the date the eligible portion of qualifying telecommunications charge
2484 revenues should have been transmitted to the ~~[secondary]~~ alternate recipient ~~[political~~
2485 subdivision] public safety answering point; and
2486 (B) ending on the redistribution determination date.
- 2487 (2) Subject to Subsection (3), the commission may make a redistribution to ~~[a~~
2488 secondary] an alternate recipient ~~[political subdivision]~~ public safety answering point in an
2489 amount equal to the eligible portion of qualifying telecommunications charge revenues if:
- 2490 (a) the commission provides written notice to the following within 15 days after the
2491 commission determines to make the redistribution:
- 2492 (i) the original recipient ~~[political subdivision]~~ public safety answering point; and
2493 (ii) the ~~[secondary]~~ alternate recipient ~~[political subdivision]~~ public safety answering
2494 point; and
2495 (b) the commission obtains:
- 2496 (i) an amended return from each person that reports a transaction that will be subject to
2497 the redistribution; or
2498 (ii) if the commission determines that an amended return described in Subsection
2499 (2)(b)(i) is not required to make the redistribution, information:
- 2500 (A) supporting the redistribution; and
2501 (B) supplied by a person who collects ~~[a]~~ qualifying telecommunications charge
2502 revenues, a ~~[county, city, or town]~~ public safety answering point, or the commission.
- 2503 (3) The commission shall make a redistribution within 60 days after the requirements
2504 of Subsection (2) are met.
- 2505 (4) This section does not limit the commission's authority to make a distribution of
2506 revenues under this chapter for a time period other than the redistribution period.
- 2507 Section 41. Section **69-2-304** is enacted to read:

2508 **69-2-304. Audit of access line providers -- State Tax Commission.**

2509 (1) The commission shall annually audit each access line provider subject to the
2510 charges levied in Part 4, Emergency Service Charges, in order to determine:

2511 (a) for each access line provider, the number of access lines subject to the charges; and

2512 (b) whether the access line provider is remitting the proper amount of emergency
2513 service charge revenue.

2514 (2) The commission may use a portion of the administrative charges that the
2515 commission retains under Sections [69-2-401](#), [69-2-402](#), [69-2-403](#), [69-2-404](#), and [69-2-405](#) to
2516 conduct the audit described in Subsection (1).

2517 Section 42. Section **69-2-401** is enacted to read:

2518 **Part 4. Emergency Service Charges**

2519 **69-2-401. 911 emergency services charge -- Administrative charge.**

2520 (1) As used in this section, "911 emergency services charge" means the 911 emergency
2521 services charge levied by the state under Subsection (2).

2522 (2) (a) Subject to Subsection (7), there is imposed on each access line in the state a 911
2523 emergency services charge of 65 cents per month.

2524 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
2525 telecommunications services provided over the access line are located within the state:

2526 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
2527 Tax Act; and

2528 (ii) as determined in accordance with Section [59-12-215](#).

2529 (3) (a) Subject to Subsection (7), the person that provides service to an access line shall
2530 bill and collect the 911 emergency services charge.

2531 (b) A person that bills and collects the 911 emergency services charge shall, except for
2532 costs retained under Subsection (3)(g)(iii), remit the 911 emergency services charge to the
2533 commission:

2534 (i) monthly on or before the last day of the month immediately following the last day of
2535 the previous month if:

2536 (A) the person is required to file a sales and use tax return with the commission
2537 monthly under Section [59-12-108](#); or

2538 (B) the person is not required to file a sales and use tax return under Title 59, Chapter

2539 12, Sales and Use Tax Act; or

2540 (ii) quarterly on or before the last day of the month immediately following the last day
2541 of the previous quarter if the person is required to file a sales and use tax return with the
2542 commission quarterly under Section [59-12-107](#).

2543 (c) Except as provided in Subsections (3)(d) and (e), if an access line user is not
2544 required to pay for the service, the access line provider shall collect the 911 emergency services
2545 charge from the person that is required to pay for the access line.

2546 (d) The 911 emergency services charge is not imposed on a provider of a consumer of
2547 federal wireless lifeline service if the consumer does not pay the provider for the service.

2548 (e) A consumer of federal wireless lifeline service shall pay, and the provider of the
2549 service shall collect and remit, the 911 emergency services charge when the consumer
2550 purchases from the provider optional services in addition to the federally funded lifeline
2551 benefit.

2552 (f) The 911 emergency services charge is not imposed on an access line provided for
2553 public pay telecommunications service.

2554 (g) The person that bills and collects the 911 emergency services charge:

2555 (i) shall remit the 911 emergency services charge along with a form prescribed by the
2556 commission;

2557 (ii) may bill the 911 emergency services charge in combination with the charges levied
2558 under Sections [69-2-402](#), [69-2-403](#), and [69-2-404](#) as one line item charge for 911 emergency
2559 service; and

2560 (iii) may retain an amount not to exceed 1.5% of the 911 emergency services charge as
2561 reimbursement for the cost of billing, collecting, and remitting the 911 emergency services
2562 charge.

2563 (4) (a) The commission shall transmit the funds the commission collects from the 911
2564 emergency services charge monthly to a public safety answering point in accordance with
2565 Section [69-2-302](#).

2566 (b) The commission shall collect, enforce, and administer the 911 emergency services
2567 charge using the same procedures used in the administration, collection, and enforcement of the
2568 state sales and use taxes under:

2569 (i) Title 59, Chapter 1, General Taxation Policies; and

- 2570 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 2571 (A) Section 59-12-104;
- 2572 (B) Section 59-12-104.1;
- 2573 (C) Section 59-12-104.2;
- 2574 (D) Section 59-12-104.6;
- 2575 (E) Section 59-12-107.1; and
- 2576 (F) Section 59-12-123.
- 2577 (c) The commission may determine by rule made in accordance with Title 63G,
- 2578 Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for
- 2579 administering, collecting, and enforcing the 911 emergency services charge.
- 2580 (d) The commission shall retain and deposit an administrative charge in accordance
- 2581 with Section 59-1-306 from the funds the commission collects from the 911 emergency
- 2582 services charge.
- 2583 (5) The 911 emergency services charge is subject to Section 69-2-303.
- 2584 (6) An access line provider who fails to comply with this section is subject to penalties
- 2585 and interest as provided in Sections 59-1-401 and 59-1-402.
- 2586 (7) The state may impose, bill, and collect the 911 emergency services charge on a
- 2587 mobile telecommunications service only to the extent permitted by the Mobile
- 2588 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.
- 2589 Section 43. Section **69-2-402**, which is renumbered from Section 69-2-5.5 is
- 2590 renumbered and amended to read:
- 2591 **[69-2-5.5]. 69-2-402. Emergency services telecommunications charge to fund**
- 2592 **the Physical Consolidation Restricted Account -- Administrative charge.**
- 2593 (1) As used in this section, "emergency services telecommunications charge" means the
- 2594 emergency services telecommunications charge imposed under Subsection (2).
- 2595 [(+)] (2) (a) Subject to Subsection [(6)] (7), there is imposed on each access line in the
- 2596 state an emergency services telecommunications charge of 6 cents per month [on a service that
- 2597 is subject to an emergency services telecommunications charge levied by a county, city, town,
- 2598 or metro township under Section 69-2-5, including:]
- 2599 [(a) each local exchange service switched access line;]
- 2600 [(b) each revenue producing radio communications access line; and]

2601 ~~[(c) each other service line, including voice over Internet protocol, used to make calls~~
 2602 ~~to and receive calls from the public switched telecommunications network, including a~~
 2603 ~~commercial mobile radio service network.]~~

2604 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
 2605 telecommunications services provided over the access line are located within the state:

2606 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
 2607 Tax Act; and

2608 (ii) as determined in accordance with Section [59-12-215](#).

2609 ~~[(2)]~~ (3) (a) Subject to Subsection [(6), an] (7), the person that provides service to an
 2610 access line shall bill and collect the emergency services telecommunications charge [imposed
 2611 under this section shall be billed and collected by the person that provides:].

2612 ~~[(i) local exchange service switched access line services;]~~

2613 ~~[(ii) radio communications access line services; or]~~

2614 ~~[(iii) any other service line, including voice over Internet protocol, that allows a user to~~
 2615 ~~make calls to and receive calls from the public switched telecommunications network,~~
 2616 ~~including a commercial mobile radio service network.]~~

2617 (b) A person that ~~[pays an]~~ bills and collects the emergency services
 2618 telecommunications charge ~~[under this section shall pay]~~ shall remit the emergency services
 2619 telecommunications charge to the commission:

2620 (i) monthly on or before the last day of the month immediately following the last day of
 2621 the previous month if:

2622 (A) the person is required to file a sales and use tax return with the commission
 2623 monthly under Section [59-12-108](#); or

2624 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
 2625 12, Sales and Use Tax Act; or

2626 (ii) quarterly on or before the last day of the month immediately following the last day
 2627 of the previous quarter if the person is required to file a sales and use tax return with the
 2628 commission quarterly under Section [59-12-107](#).

2629 (c) If a subscriber of ~~[a service subject to a charge described in Subsection (3)(a)]~~ an
 2630 access line is not required to pay for the ~~[service]~~ access line, the access line provider ~~[of the~~
 2631 ~~service]~~ shall collect the emergency services telecommunications charge from the person that is

2632 required to pay for the [service] access line.

2633 ~~[(d) An emergency services telecommunications charge imposed under this section~~
2634 ~~shall be deposited into the Computer Aided Dispatch Restricted Account created in Section~~
2635 ~~63H-7a-303.]~~

2636 ~~[(3) Emergency services telecommunications charges remitted to the State Tax~~
2637 ~~Commission pursuant to Subsection (2) shall be accompanied by the form prescribed by the~~
2638 ~~State Tax Commission.]~~

2639 (d) A person who remits an emergency services telecommunications charge to the
2640 commission pursuant to Subsection (2):

2641 (i) shall remit the emergency services telecommunications charge along with a form
2642 prescribed by the commission; and

2643 (ii) may bill the emergency services telecommunications charge in combination with
2644 the charges levied under Sections 69-2-401, 69-2-403, and 69-2-404 as one line item charge for
2645 911 emergency service.

2646 (4) (a) The commission shall deposit any emergency services telecommunications
2647 charge remitted to the commission into the Physical Consolidation Restricted Account created
2648 in Section 63H-7a-303.

2649 ~~[(4)(a)]~~ (b) The [State Tax Commission] commission shall administer, collect, and
2650 enforce the [charge imposed under Subsection (1)] emergency services telecommunications
2651 charge according to the same procedures used in the administration, collection, and
2652 enforcement of the state sales and use tax under:

2653 (i) Title 59, Chapter 1, General Taxation Policies; and

2654 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2655 (A) Section 59-12-104;

2656 (B) Section 59-12-104.1;

2657 (C) Section 59-12-104.2;

2658 (D) Section 59-12-104.6;

2659 (E) Section 59-12-107.1; and

2660 (F) Section 59-12-123.

2661 ~~[(b)]~~ (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2662 Act, the [State Tax Commission] commission may make rules to administer, collect, and

2663 enforce the emergency services telecommunications [~~charges imposed under this section~~
2664 charge.

2665 ~~[(e)]~~ (d) The [~~State Tax Commission~~] commission shall retain and deposit an
2666 administrative charge in accordance with Section 59-1-306 from the revenues the [~~State Tax~~
2667 ~~Commission~~] commission collects from [~~an~~] the emergency services telecommunications
2668 charge [~~under this section~~].

2669 ~~[(d) A]~~ (5) The emergency services telecommunications charge [~~under this section~~] is
2670 subject to Section [~~69-2-5.8~~] 69-2-303.

2671 ~~[(5) A]~~ (6) An access line provider [~~of local exchange service switched access line~~
2672 ~~services or radio communications access line services~~] who fails to comply with this section is
2673 subject to penalties and interest as provided in Sections 59-1-401 and 59-1-402.

2674 ~~[(6) An]~~ (7) The state may impose, bill, and collect the emergency services
2675 telecommunications charge [~~under this section~~] on a mobile telecommunications service [~~may~~
2676 ~~be imposed, billed, and collected~~] only to the extent permitted by the Mobile
2677 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2678 Section 44. Section 69-2-403, which is renumbered from Section 69-2-5.6 is
2679 renumbered and amended to read:

2680 ~~[69-2-5.6]~~. **69-2-403. Unified statewide 911 emergency service charge to fund**
2681 **Unified Statewide 911 Emergency Service Account -- Administrative charge.**

2682 (1) As used in this section, "unified statewide 911 emergency service charge" means
2683 the unified statewide 911 emergency service charge imposed under Subsection (2).

2684 ~~[(1)]~~ (2) (a) Subject to Subsection [~~69-2-5(3)(g)~~] (7), there is imposed on each access
2685 line in the state a unified statewide 911 emergency service charge of 9 cents per month [~~on~~
2686 ~~each local exchange service switched access line and each revenue producing radio~~
2687 ~~communications access line that is subject to a 911 emergency services charge levied by a~~
2688 ~~county, city, town, or metro township under Section 69-2-5~~].

2689 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
2690 telecommunications services provided over the access line are located within the state:

2691 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
2692 Tax Act; and

2693 (ii) as determined in accordance with Section 59-12-215.

2694 ~~[(2)(a) A]~~ (3) (a) The person that provides service to an access line shall bill and
 2695 collect the unified statewide 911 emergency [services] service charge [imposed under this
 2696 section shall be:].

2697 ~~[(i) subject to Subsection 69-2-5(3)(g); and]~~

2698 ~~[(ii) billed and collected by the person that provides:]~~

2699 ~~[(A) local exchange service switched access line services;]~~

2700 ~~[(B) radio communications access line services; or]~~

2701 ~~[(C) service described in Subsection 69-2-5(3)(a)(i)(C).]~~

2702 (b) A person that ~~[pays a charge under this section]~~ bills and collects the unified
 2703 statewide 911 emergency service charge shall pay the unified statewide 911 emergency service
 2704 charge to the commission:

2705 (i) monthly on or before the last day of the month immediately following the last day of
 2706 the previous month if:

2707 (A) the person is required to file a sales and use tax return with the commission
 2708 monthly under Section 59-12-108; or

2709 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
 2710 12, Sales and Use Tax Act; or

2711 (ii) quarterly on or before the last day of the month immediately following the last day
 2712 of the previous quarter if the person is required to file a sales and use tax return with the
 2713 commission quarterly under Section 59-12-107.

2714 ~~[(c) A charge imposed under this section shall be deposited into the Unified Statewide~~
 2715 ~~911 Emergency Service Account created by Section 63H-7a-304.]~~

2716 ~~[(d) If a subscriber of a service subject to a charge described in Subsection (1)]~~

2717 (c) If an access line user is not required to pay for the [service] access line, the access
 2718 line provider [of the service] shall collect the unified statewide 911 emergency service charge
 2719 from the person that is required to pay for the [service] access line.

2720 ~~[(3)]~~ (d) The person that bills and collects the [charges levied by this section pursuant
 2721 to Subsections (2)(b) and (c) may] unified statewide 911 emergency service charge:

2722 (i) shall remit the unified statewide 911 emergency service charge along with a form
 2723 prescribed by the commission;

2724 ~~[(a)]~~ (ii) may bill the [charge imposed by this section] unified statewide 911 emergency

2725 service charge in combination with the [~~charge~~] charges levied under [~~Section 69-2-5~~] Sections
 2726 69-2-401, 69-2-402, and 69-2-404 as one line item charge for 911 emergency service; and

2727 [~~(b)~~] (iii) may retain an amount not to exceed 1.5% of the [~~charges~~] unified statewide
 2728 911 emergency service charge collected under this section as reimbursement for the cost of
 2729 billing, collecting, and remitting the [~~levy~~] unified statewide 911 emergency service charge.

2730 (4) (a) The commission shall deposit any unified 911 emergency service charge
 2731 remitted to the commission into the Unified Statewide 911 Emergency Service Account created
 2732 in Section 63H-7a-304.

2733 [~~(4) The State Tax Commission~~] (b) The commission shall collect, enforce, and
 2734 administer the [~~charges imposed under Subsection (1)~~] unified statewide 911 emergency
 2735 service charge using the same procedures used in the administration, collection, and
 2736 enforcement of the [~~emergency services telecommunications charge to fund the Computer~~
 2737 ~~Aided Dispatch Restricted Account under Section 63H-7a-303;~~] state sales and use tax under:

2738 (i) Title 59, Chapter 1, General Taxation Policies; and

2739 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2740 (A) Section 59-12-104;

2741 (B) Section 59-12-104.1;

2742 (C) Section 59-12-104.2;

2743 (D) Section 59-12-104.6;

2744 (E) Section 59-12-107.1; and

2745 (F) Section 59-12-123.

2746 (c) The commission may determine by rule made in accordance with Title 63G,
 2747 Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for
 2748 administering, collecting, and enforcing the unified statewide 911 emergency service charge.

2749 [~~(5) Notwithstanding Section 63H-7a-304, the State Tax Commission~~]

2750 (d) The commission shall retain and deposit an administrative charge in accordance
 2751 with Section 59-1-306 from the revenues the [~~State Tax Commission~~] commission collects
 2752 from [~~a charge under this section~~] the unified statewide 911 emergency service charge.

2753 [~~(6) A~~] (5) The unified statewide 911 emergency service charge [~~under this section~~] is
 2754 subject to Section [~~69-2-5.8~~] 69-2-303.

2755 (6) An access line provider who fails to comply with this section is subject to penalties

2756 and interest as provided in Sections 59-1-401 and 59-1-402.

2757 (7) The state may impose, bill, and collect an emergency services telecommunications
2758 charge under this section on a mobile telecommunications service only to the extent permitted
2759 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2760 [(7)] (8) This section sunsets in accordance with Section 63I-1-269.

2761 Section 45. Section **69-2-404** is enacted to read:

2762 **69-2-404. Radio network charge to fund the Utah Statewide Radio System**
2763 **Restricted Account -- Administrative charge.**

2764 (1) As used in this section, "radio network charge" means the radio network charge
2765 imposed under Subsection (2).

2766 (2) (a) Subject to Subsection (7), there is imposed on each access line in the state a
2767 radio network charge of 38 cents per month.

2768 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
2769 telecommunications services provided over the access line are located within the state:

2770 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
2771 Tax Act; and

2772 (ii) as determined in accordance with Section 59-12-215.

2773 (3) (a) The person that provides service to an access line shall bill and collect the radio
2774 network charge.

2775 (b) A person that bills and collects the radio network charge shall pay the radio
2776 network charge to the commission:

2777 (i) monthly on or before the last day of the month immediately following the last day of
2778 the previous month if:

2779 (A) the person is required to file a sales and use tax return with the commission
2780 monthly under Section 59-12-108; or

2781 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2782 12, Sales and Use Tax Act; or

2783 (ii) quarterly on or before the last day of the month immediately following the last day
2784 of the previous quarter if the person is required to file a sales and use tax return with the
2785 commission quarterly under Section 59-12-107.

2786 (c) If an access line user is not required to pay for the access line, the access line

2787 provider shall collect the radio network charge from the person that is required to pay for the
2788 access line.

2789 (d) The person that bills and collects a radio network charge:

2790 (i) shall remit the radio network charge along with a form prescribed by the
2791 commission; and

2792 (ii) may bill the radio network charge in combination with the charges levied under
2793 Sections [69-2-401](#), [69-2-402](#), and [69-2-403](#) as a one line item charge for 911 emergency
2794 service.

2795 (4) (a) The commission shall deposit any radio network charge remitted to the
2796 commission into the Utah Statewide Radio System Restricted Account created in Section
2797 [63H-7a-403](#).

2798 (b) The commission shall collect, enforce, and administer the radio network charge
2799 using the same procedures used in the administration, collection, and enforcement of the state
2800 sales and use tax under:

2801 (i) Title 59, Chapter 1, General Taxation Policies; and

2802 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

2803 (A) Section [59-12-104](#);

2804 (B) Section [59-12-104.1](#);

2805 (C) Section [59-12-104.2](#);

2806 (D) Section [59-12-104.6](#);

2807 (E) Section [59-12-107.1](#); and

2808 (F) Section [59-12-123](#).

2809 (c) The commission may determine, by rule made in accordance with Title 63G,
2810 Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for
2811 administering, collecting, and enforcing the radio network charge.

2812 (d) The commission shall retain and deposit an administrative charge in accordance
2813 with Section [59-1-306](#) from the revenues the commission collects from the radio network
2814 charge.

2815 (5) The radio network charge is subject to Section [69-2-303](#).

2816 (6) An access line provider who fails to comply with this section is subject to penalties
2817 and interest as provided in Sections [59-1-401](#) and [59-1-402](#).

2818 (7) The state may impose, bill, and collect the radio network charge under this section
2819 on a mobile telecommunications service only to the extent permitted by the Mobile
2820 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2821 Section 46. Section **69-2-405**, which is renumbered from Section 69-2-5.7 is
2822 renumbered and amended to read:

2823 ~~[69-2-5.7]~~. **69-2-405. Prepaid wireless 911 service charge to fund 911**
2824 **emergency service -- Administrative charge.**

2825 (1) As used in this section:

2826 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
2827 service in a transaction.

2828 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
2829 collected by a seller from a consumer in the amount established under Subsection (2).

2830 (c) (i) "Prepaid wireless telecommunications service" means a wireless
2831 telecommunications service that:

2832 (A) is paid for in advance;

2833 (B) is sold in predetermined units of time or dollars that decline with use in a known
2834 amount or provides unlimited use of the service for a fixed amount or time; and

2835 (C) allows a caller to access 911 emergency service.

2836 (ii) "Prepaid wireless telecommunications service" does not include a wireless
2837 telecommunications service that is billed:

2838 (A) to a customer on a recurring basis; and

2839 (B) in a manner that includes the emergency services telecommunications charges,
2840 described in Sections [69-2-5](#), [69-2-5.5](#), and [69-2-5.6](#), for each radio communication access line
2841 assigned to the customer.

2842 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
2843 consumer.

2844 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
2845 from a seller.

2846 (f) "Wireless telecommunications service" means commercial mobile radio service as
2847 defined by 47 C.F.R. Sec. 20.3, as amended.

2848 (2) There is imposed a prepaid wireless 911 service charge of [~~1.9%~~] 3% of the sales

2849 price per transaction.

2850 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
2851 consumer for each transaction occurring in this state.

2852 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
2853 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
2854 charge from the consumer for the service.

2855 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of
2856 federal wireless lifeline service if the consumer does not pay the seller for the service.

2857 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
2858 service shall collect and remit, the charge described in Subsection (2) when the consumer
2859 purchases from the seller optional services in addition to the federally funded lifeline benefit.

2860 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
2861 receipt, or similar document that is provided by the seller to the consumer.

2862 (5) For purposes of Subsection (3), the location of a transaction is determined in
2863 accordance with Sections [59-12-211](#) through [59-12-215](#).

2864 (6) When prepaid wireless telecommunications service is sold with one or more other
2865 products or services for a single non-itemized price, then the percentage specified in Section
2866 (2) shall apply to the entire non-itemized price.

2867 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by
2868 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
2869 charge.

2870 (8) Prepaid wireless 911 service charges collected by a seller, except as retained under
2871 Subsection (7), shall be remitted to the [~~State Tax Commission~~] commission at the same time
2872 as the seller remits to the [~~State Tax Commission~~] commission money collected by the person
2873 under Title 59, Chapter 12, Sales and Use Tax Act.

2874 (9) The [~~State Tax Commission~~] commission:

2875 (a) shall collect, enforce, and administer the charge imposed under this section using
2876 the same procedures used in the administration, collection, and enforcement of the state sales
2877 and use taxes under:

2878 (i) Title 59, Chapter 1, General Taxation Policies; and

2879 (ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:

- 2880 (A) Section [59-12-104](#);
- 2881 (B) Section [59-12-104.1](#);
- 2882 (C) Section [59-12-104.2](#);
- 2883 (D) Section [59-12-107.1](#); and
- 2884 (E) Section [59-12-123](#);
- 2885 (b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected
- 2886 under Subsection (9)(a) as reimbursement for administering this section;

2887 (c) except for the administrative charge collected under Subsection (9)(b), shall

2888 distribute [the prepaid wireless 911 service charge revenue, except as retained under

2889 Subsection (9)(b), as follows]:

2890 [(i) 80.3% of the revenue shall be distributed to each county, city, town, or metro

2891 township in the same percentages and in the same manner as the entities receive money to fund

2892 911 emergency telecommunications services under Section [69-2-5](#)];

2893 (i) 55.1% of the prepaid wireless 911 service charge revenue a public safety answering

2894 point in accordance with Section [69-2-302](#);

2895 (ii) [7.9%] 5.1% of the prepaid wireless 911 service charge revenue [shall be

2896 distributed to fund] to the [Computer Aided Dispatch] Physical Consolidation Restricted

2897 Account created in Section [63H-7a-303](#);

2898 [(iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911

2899 emergency service as in Section [69-2-5.6](#); and]

2900 (iii) 7.6% of the prepaid wireless 911 service charge revenue to the Unified Statewide

2901 911 Emergency Service Account created in Section [63H-7a-304](#); and

2902 (iv) 32.2% of the revenue to the Utah Statewide Radio System Restricted Account; and

2903 (d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative

2904 Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.

2905 (10) [A charge under this section] The prepaid wireless 911 service charge is subject to

2906 Section ~~[[69-2-5.8](#)] [69-2-303](#).~~

2907 Section 47. Section [69-2-501](#), which is renumbered from Section 69-2-6 is renumbered

2908 and amended to read:

2909 **Part 5. Liability and Immunity**

2910 ~~[[69-2-6](#)].~~ **[69-2-501](#). Jurisdiction and employee immunity.**

2911 (1) In implementing [a] 911 emergency [~~telephone~~] service, [~~the~~] any public agency
2912 and public safety [~~agencies and their employees~~] agency shall cooperate in establishing [~~the~~
2913 service and in its day-to-day provision] and providing 911 emergency service.

2914 (2) Any employee of any public safety agency which is a participant in [a] 911
2915 emergency [~~telephone~~] service may respond and take any action to any call whether within or
2916 without the authorized territorial jurisdiction of the public safety agency.

2917 (3) In response to [~~emergency calls, employees of public safety agencies~~] an emergency
2918 communication, an employee of a public safety agency shall have the same immunity for any
2919 acts performed in the line of duty outside [their] the public safety agency's authorized
2920 [~~jurisdictions as they enjoy within their authorized jurisdictions~~] jurisdiction as the public
2921 safety agency employee has within the public safety agency's authorized jurisdiction.

2922 (4) No cause of action is created by any incorrect dispatch or response by any system or
2923 any public safety agency or by reason of elapsed response time.

2924 Section 48. Section **69-2-502**, which is renumbered from Section 69-2-7 is renumbered
2925 and amended to read:

2926 [~~69-2-7~~]. **69-2-502. Limitation of duties and liabilities.**

2927 Except as provided in Section [~~69-2-8~~] 69-2-503, nothing contained in this chapter
2928 imposes any duties or liabilities beyond those otherwise specified by law upon any provider of
2929 local exchange service, radio communications service, voice over Internet protocol service, or
2930 terminal equipment needed to implement 911 emergency [~~telephone~~] service and the Utah
2931 statewide radio system and public safety communication network, created in Title 63H,
2932 Chapter 7a, Utah Communications Authority Act.

2933 Section 49. Section **69-2-503**, which is renumbered from Section 69-2-8 is renumbered
2934 and amended to read:

2935 [~~69-2-8~~]. **69-2-503. Liabilities of providers.**

2936 (1) A provider of local exchange service, radio communications service, or voice over
2937 Internet protocol service may by tariff or agreement with a customer provide for the customer's
2938 release of any claim, suit, or demand against the provider based upon a disclosure or a
2939 nondisclosure of an unlisted or nonpublished telephone number and address, and the related
2940 address, if a call for any 911 emergency [~~telephone~~] service is made from the customer's
2941 telephone.

2942 (2) A provider of local exchange service, radio communications service, voice over
2943 Internet protocol service, or telephone terminal equipment needed to implement or enhance 911
2944 emergency [~~telephone~~] service, and their employees and agents, are not liable for any damages
2945 in a civil action for injuries, death, or loss to person or property incurred as a result of any act
2946 or omission of the provider, employee, or agent, in connection with developing, adopting,
2947 implementing, maintaining, enhancing, or operating a 911 emergency [~~telephone~~] service,
2948 except for damages or injury intentionally caused by or resulting from gross negligence of the
2949 provider or person.

2950 Section 50. **Repealer.**

2951 This bill repeals:

2952 Section **63H-7a-305, 911 Division expenses -- Responsibilities.**

2953 Section **63H-7a-306, 911 Division to report annually.**

2954 Section **63H-7a-307, 911 Advisory Committee -- Membership -- Duties.**

2955 Section **63H-7a-405, Radio network advisory committees.**

2956 Section **63H-7a-504, Interoperability advisory committees.**

2957 Section **69-2-4, Administration.**

2958 Section **69-2-5, Funding for 911 emergency service -- Administrative charge.**

2959 Section 51. **Effective date.**

2960 (1) Except as provided in Subsection (2), this bill takes effect on July 1, 2017.

2961 (2) Section **69-2-404** takes effect on July 1, 2018.

Legislative Review Note
Office of Legislative Research and General Counsel