

Senator Wayne A. Harper proposes the following substitute bill:

UTAH COMMUNICATIONS AUTHORITY AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill amends provisions related to providing 911 emergency service.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals a 911 emergency service charge;
- ▶ 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;
- ▶ creates an operations advisory committee;
- ▶ repeals certain provisions that gave the Utah Communications Authority bonding authority;
- ▶ 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



- 26 emergency communications;
- 27 ▶ provides that a public agency may not establish a new public safety answering point
- 28 after a certain day;
- 29 ▶ directs the State Tax Commission to report on access line providers that are
- 30 delinquent in paying emergency service charges;
- 31 ▶ requires the Utah Communications Authority to meet with stakeholders to identify
- 32 existing communications sites and develop a plan for the public safety
- 33 communications network;
- 34 ▶ provides future repeal dates;
- 35 ▶ provides future effective dates;
- 36 ▶ designates appropriations from certain restricted accounts as nonlapsing;
- 37 ▶ repeals certain advisory committees within the Utah Communications Authority;
- 38 ▶ requires a county to conduct an audit of the county's emergency services under
- 39 certain circumstances; and
- 40 ▶ delegates, to the executive director of the Utah Communications Authority, certain
- 41 duties formerly assigned to divisions within the Utah Communications Authority.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **59-1-306**, as enacted by Laws of Utah 2011, Chapter 309

49 **59-1-401**, as last amended by Laws of Utah 2015, Chapter 369

50 **59-1-402**, as last amended by Laws of Utah 2012, Chapter 357

51 **59-1-403**, as last amended by Laws of Utah 2015, Chapters 411 and 451

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-803**, as last amended by Laws of Utah 2016, Chapter 123
- 72 **63I-1-269**, as last amended by Laws of Utah 2014, Chapter 320
- 73 **63I-2-263**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 2
- 74 **63J-1-602.4**, as last amended by Laws of Utah 2016, Chapters 193 and 240

75 ENACTS:

- 76 **63H-7a-207**, Utah Code Annotated 1953
- 77 **63H-7a-208**, Utah Code Annotated 1953
- 78 **69-2-202**, Utah Code Annotated 1953
- 79 **69-2-203**, Utah Code Annotated 1953
- 80 **69-2-301**, Utah Code Annotated 1953
- 81 **69-2-302**, Utah Code Annotated 1953
- 82 **69-2-401**, Utah Code Annotated 1953
- 83 **69-2-402**, Utah Code Annotated 1953
- 84 **69-2-404**, Utah Code Annotated 1953

85 RENUMBERS AND AMENDS:

- 86 **69-2-101**, (Renumbered from 69-2-1, as enacted by Laws of Utah 1986, Chapter 33)
- 87 **69-2-102**, (Renumbered from 69-2-2, as last amended by Laws of Utah 2016, Chapter

- 88 179)
- 89 **69-2-201**, (Renumbered from 69-2-3, as last amended by Laws of Utah 2014, Chapter
- 90 320)
- 91 **69-2-303**, (Renumbered from 69-2-5.8, as enacted by Laws of Utah 2012, Chapter 326)
- 92 **69-2-403**, (Renumbered from 69-2-5.6, as last amended by Laws of Utah 2016, Chapter
- 93 179)
- 94 **69-2-405**, (Renumbered from 69-2-5.7, as last amended by Laws of Utah 2016, Chapter
- 95 179)
- 96 **69-2-501**, (Renumbered from 69-2-6, as enacted by Laws of Utah 1986, Chapter 33)
- 97 **69-2-502**, (Renumbered from 69-2-7, as last amended by Laws of Utah 2015, Chapter
- 98 411)
- 99 **69-2-503**, (Renumbered from 69-2-8, as last amended by Laws of Utah 2014, Chapter
- 100 36)

101 REPEALS AND REENACTS:

- 102 **63H-7a-206**, as last amended by Laws of Utah 2016, Chapters 123 and 179
- 103 **63H-7a-602**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 104 **63H-7a-701**, as last amended by Laws of Utah 2016, Chapter 123

105 REPEALS:

- 106 **63H-7a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 107 **63H-7a-306**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 108 **63H-7a-307**, as last amended by Laws of Utah 2016, Chapter 123
- 109 **63H-7a-405**, as last amended by Laws of Utah 2016, Chapter 123
- 110 **63H-7a-504**, as last amended by Laws of Utah 2016, Chapter 123
- 111 **63H-7a-700**, as enacted by Laws of Utah 2015, Chapter 411
- 112 **63H-7a-702**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 113 **63H-7a-703**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 114 **63H-7a-704**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 115 **63H-7a-705**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 116 **63H-7a-706**, as renumbered and amended by Laws of Utah 2015, Chapter 411
- 117 **69-2-4**, as last amended by Laws of Utah 2014, Chapter 320
- 118 **69-2-5**, as last amended by Laws of Utah 2016, Chapter 179

119 **69-2-5.5**, as last amended by Laws of Utah 2016, Chapter 179

120

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

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

123 **59-1-306. Definition -- State Tax Commission Administrative Charge Account --**
124 **Amount of administrative charge -- Deposit of revenues into the restricted account --**
125 **Interest deposited into General Fund -- Expenditure of money deposited into the**
126 **restricted account.**

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

- 129 ~~[(b)]~~ (a) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 130 ~~[(c)]~~ (b) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 131 ~~[(d)]~~ (c) Section **19-6-714**;
- 132 ~~[(e)]~~ (d) Section **19-6-805**;
- 133 ~~[(a)]~~ (e) Chapter 12, Sales and Use Tax Act, other than a tax under Chapter 12, Part 1,
- 134 Tax Collection, or Chapter 12, Part 18, Additional State Sales and Use Tax Act;
- 135 (f) Section **59-27-105**; or
- 136 ~~[(g)]~~ Section **69-2-5**;
- 137 ~~[(h)]~~ Section **69-2-5.5**; or
- 138 ~~[(i)]~~ Section **69-2-5.6**;
- 139 (g) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges.

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

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

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

- 146 (a) 1.5%; or
- 147 (b) an equal percentage of revenues the commission collects from each qualifying tax,
- 148 fee, or charge sufficient to cover the cost to the commission of administering the qualifying
- 149 taxes, fees, or charges.

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

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

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

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

155 **59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute**
156 **of limitations -- Commission authority to waive, reduce, or compromise penalty or**
157 **interest.**

158 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

- 181 (I) this title;
- 182 (II) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 183 (III) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 184 (IV) Section 19-6-410.5;
- 185 (V) Section 19-6-714;
- 186 (VI) Section 19-6-805;
- 187 (VII) Section 32B-2-304;
- 188 (VIII) Section 34A-2-202;
- 189 (IX) Section 40-6-14; or
- 190 [~~(X) Section 69-2-5;~~]
- 191 [~~(XI) Section 69-2-5.5; or~~]
- 192 [~~(XII) Section 69-2-5.6; or~~]
- 193 (X) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
- 194 (B) another amount that by statute is subject to a penalty imposed under this section.
- 195 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
- 196 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
- 197 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
- 198 (C) Chapter 2, Property Tax Act, except for Section 59-2-1309;
- 199 (D) Chapter 3, Tax Equivalent Property Act; or
- 200 (E) Chapter 4, Privilege Tax.
- 201 (d) "Unactivated tax, fee, or charge" means a tax, fee, or charge except for an activated
- 202 tax, fee, or charge.
- 203 (2) (a) The due date for filing a return is:
- 204 (i) if the person filing the return is not allowed by law an extension of time for filing
- 205 the return, the day on which the return is due as provided by law; or
- 206 (ii) if the person filing the return is allowed by law an extension of time for filing the
- 207 return, the earlier of:
- 208 (A) the date the person files the return; or
- 209 (B) the last day of that extension of time as allowed by law.
- 210 (b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a
- 211 return after the due date described in Subsection (2)(a).

212 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:

213 (i) if the return described in Subsection (2)(b) is filed with respect to an unactivated
214 tax, fee, or charge:

215 (A) \$20; or

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

217 (ii) if the return described in Subsection (2)(b) is filed with respect to an activated tax,
218 fee, or charge, beginning on the activation date for the tax, fee, or charge:

219 (A) \$20; or

220 (B) (I) 2% of the unpaid activated tax, fee, or charge due on the return if the return is
221 filed no later than five days after the due date described in Subsection (2)(a);

222 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the return is filed
223 more than five days after the due date but no later than 15 days after the due date described in
224 Subsection (2)(a); or

225 (III) 10% of the unpaid activated tax, fee, or charge due on the return if the return is
226 filed more than 15 days after the due date described in Subsection (2)(a).

227 (d) This Subsection (2) does not apply to:

228 (i) an amended return; or

229 (ii) a return with no tax due.

230 (3) (a) A person is subject to a penalty for failure to pay a tax, fee, or charge if:

231 (i) the person files a return on or before the due date for filing a return described in
232 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due
233 date;

234 (ii) the person:

235 (A) is subject to a penalty under Subsection (2)(b); and

236 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the
237 due date for filing a return described in Subsection (2)(a);

238 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and

239 (B) the commission estimates an amount of tax due for that person in accordance with
240 Subsection [59-1-1406\(2\)](#);

241 (iv) the person:

242 (A) is mailed a notice of deficiency; and

243 (B) within a 30-day period after the day on which the notice of deficiency described in
244 Subsection (3)(a)(iv)(A) is mailed:

245 (I) does not file a petition for redetermination or a request for agency action; and

246 (II) fails to pay the tax, fee, or charge due on a return;

247 (v) (A) the commission:

248 (I) issues an order constituting final agency action resulting from a timely filed petition
249 for redetermination or a timely filed request for agency action; or

250 (II) is considered to have denied a request for reconsideration under Subsection

251 [63G-4-302](#)(3)(b) resulting from a timely filed petition for redetermination or a timely filed
252 request for agency action; and

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

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

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

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

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

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

264 (A) \$20; or

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

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

268 (A) \$20; or

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

272 (II) 5% of the unpaid activated tax, fee, or charge due on the return if the activated tax,
273 fee, or charge due on the return is paid more than five days after the due date for filing a return

274 described in Subsection (2)(a) but no later than 15 days after that due date; or

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

278 (4) (a) Beginning January 1, 1995, in the case of any underpayment of estimated tax or
279 quarterly installments required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there
280 shall be added a penalty in an amount determined by applying the interest rate provided under
281 Section 59-1-402 plus four percentage points to the amount of the underpayment for the period
282 of the underpayment.

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

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

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

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

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

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

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

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

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

304 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the

305 extension of time for filing the return is an amount equal to 2% of the tax due on the return,
306 unpaid as of the day on which the return is due as provided by law.

307 (6) If a person does not file a return within an extension of time allowed by Section
308 59-7-505 or 59-10-516, the person:

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

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

311 (i) a late file penalty in an amount equal to the greater of:

312 (A) \$20; or

313 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as
314 provided by law, not including the extension of time; and

315 (ii) a late pay penalty in an amount equal to the greater of:

316 (A) \$20; or

317 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is
318 due as provided by law, not including the extension of time.

319 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided
320 in this Subsection (7)(a).

321 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax,
322 fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that
323 is due to negligence.

324 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a
325 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire
326 underpayment.

327 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge,
328 the penalty is the greater of \$500 per period or 50% of the entire underpayment.

329 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or
330 charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.

331 (b) If the commission determines that a person is liable for a penalty imposed under
332 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed
333 penalty.

334 (i) The notice of proposed penalty shall:

335 (A) set forth the basis of the assessment; and

336 (B) be mailed by certified mail, postage prepaid, to the person's last-known address.

337 (ii) Upon receipt of the notice of proposed penalty, the person against whom the
338 penalty is proposed may:

339 (A) pay the amount of the proposed penalty at the place and time stated in the notice;
340 or

341 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).

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

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

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

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

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

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

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

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

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

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

362 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
363 or is a seller required to pay or collect and remit sales and use taxes under Subsection
364 59-12-107(2)(b); and

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

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

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

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

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

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

377 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
378 or is a seller required to pay or collect and remit sales and use taxes under Subsection
379 59-12-107(2)(b); and

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

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

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

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

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

395 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay
396 or impede administration of a law relating to a tax, fee, or charge and files a purported return
397 that fails to contain information from which the correctness of reported tax, fee, or charge

398 liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is
399 substantially incorrect, the penalty is \$500.

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

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

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

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

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

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

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

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

413 (A) a return;

414 (B) an affidavit;

415 (C) a claim; or

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

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

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

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

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

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

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

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

428 (v) aiding in the preparation or presentation of any portion of a document described in

429 Subsection (11)(a)(i);

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

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

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

435 (i) shall be imposed by the commission;

436 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which
437 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and

438 (iii) is in addition to any other penalty provided by law.

439 (d) The commission may seek a court order to enjoin a person from engaging in
440 conduct that is subject to a penalty under this Subsection (11).

441 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
442 commission may make rules prescribing the documents that are similar to Subsections
443 (11)(a)(i)(A) through (C).

444 (12) (a) As provided in Section 76-8-1101, criminal offenses and penalties are as
445 provided in Subsections (12)(b) through (e).

446 (b) (i) A person who is required by this title or any laws the commission administers or
447 regulates to register with or obtain a license or permit from the commission, who operates
448 without having registered or secured a license or permit, or who operates when the registration,
449 license, or permit is expired or not current, is guilty of a class B misdemeanor.

450 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the
451 penalty may not:

452 (A) be less than \$500; or

453 (B) exceed \$1,000.

454 (c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,
455 and without a reasonable good faith basis, fails to make, render, sign, or verify a return within
456 the time required by law or to supply information within the time required by law, or who
457 makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false
458 or fraudulent information, is guilty of a third degree felony.

459 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the

460 penalty may not:

461 (A) be less than \$1,000; or

462 (B) exceed \$5,000.

463 (d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or
464 charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law,
465 guilty of a second degree felony.

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

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

469 (B) exceed \$25,000.

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

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

473 (I) a return;

474 (II) an affidavit;

475 (III) a claim; or

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

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

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

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

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

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

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

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

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

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

490 (F) assisting in the preparation or presentation of any portion of a document described

491 in Subsection (12)(e)(i)(A); or

492 (G) counseling in the preparation or presentation of any portion of a document

493 described in Subsection (12)(e)(i)(A).

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

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

497 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or

498 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and

499 (B) in addition to any other penalty provided by law.

500 (iv) Notwithstanding Section [76-3-301](#), for purposes of this Subsection (12)(e), the
501 penalty may not:

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

503 (B) exceed \$25,000.

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

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

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

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

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

513 (13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with
514 the commission in accordance with Subsection [59-10-406\(8\)](#) is subject to a penalty described
515 in Subsection (13)(b) if the employer:

516 (i) fails to file the form with the commission in an electronic format approved by the
517 commission as required by Subsection [59-10-406\(8\)](#);

518 (ii) fails to file the form on or before the due date provided in Subsection [59-10-406\(8\)](#);

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

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

- 522 (b) For purposes of Subsection (13)(a), the penalty is:
- 523 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the
- 524 form in accordance with Subsection 59-10-406(8), more than 14 days after the due date
- 525 provided in Subsection 59-10-406(8) but no later than 30 days after the due date provided in
- 526 Subsection 59-10-406(8);
- 527 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the
- 528 form in accordance with Subsection 59-10-406(8), more than 30 days after the due date
- 529 provided in Subsection 59-10-406(8) but on or before June 1; or
- 530 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:
- 531 (A) files the form in accordance with Subsection 59-10-406(8) after June 1; or
- 532 (B) fails to file the form.
- 533 (14) Upon making a record of its actions, and upon reasonable cause shown, the
- 534 commission may waive, reduce, or compromise any of the penalties or interest imposed under
- 535 this part.

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

537 **59-1-402. Definitions -- Interest.**

538 (1) As used in this section:

539 (a) "Final judicial decision" means a final ruling by a court of this state or the United

540 States for which the time for any further review or proceeding has expired.

541 (b) "Retroactive application of a judicial decision" means the application of a final

542 judicial decision that:

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

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

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

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

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

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

549 (I) this title;

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

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

552 (IV) Section 19-6-410.5;

553 (V) Section 19-6-714;
554 (VI) Section 19-6-805;
555 (VII) Section 32B-2-304;
556 (VIII) Section 34A-2-202;
557 (IX) Section 40-6-14; or
558 [~~(X) Section 69-2-5;~~]
559 [~~(XI) Section 69-2-5.5; or~~]
560 [~~(XII) Section 69-2-5.6; or~~]
561 (X) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
562 (B) another amount that by statute is subject to interest imposed under this section.
563 (ii) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:
564 (A) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;
565 (B) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;
566 (C) Chapter 2, Property Tax Act, except for Section 59-2-1309;
567 (D) Chapter 3, Tax Equivalent Property Act;
568 (E) Chapter 4, Privilege Tax; or
569 (F) Chapter 13, Part 5, Interstate Agreements.
570 (2) Except as otherwise provided for by law, the interest rate for a calendar year for a
571 tax, fee, or charge administered by the commission shall be calculated based on the federal
572 short-term rate determined by the Secretary of the Treasury under Section 6621, Internal
573 Revenue Code, in effect for the preceding fourth calendar quarter.
574 (3) The interest rate calculation shall be as follows:
575 (a) except as provided in Subsection (7), in the case of an overpayment or refund,
576 simple interest shall be calculated at the rate of two percentage points above the federal
577 short-term rate; or
578 (b) in the case of an underpayment, deficiency, or delinquency, simple interest shall be
579 calculated at the rate of two percentage points above the federal short-term rate.
580 (4) Notwithstanding Subsection (2) or (3), the interest rate applicable to certain
581 installment sales for purposes of a tax under Chapter 7, Corporate Franchise and Income Taxes,
582 shall be determined in accordance with Section 453A, Internal Revenue Code, as provided in
583 Section 59-7-112.

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

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

590 (ii) 90 days after the last date prescribed for filing the return:

591 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate
592 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or

593 (B) if the return is not filed electronically.

594 (b) Except as provided in Subsection (5)(c), if the return is filed after the last date
595 prescribed for filing the return, interest may not be allowed on the overpayment if the
596 overpayment is refunded within:

597 (i) 45 days after the date the return is filed:

598 (A) with respect to a tax under Chapter 7, Corporate Franchise and Income Taxes, or
599 Chapter 10, Individual Income Tax Act; and

600 (B) if the return is filed electronically; or

601 (ii) 90 days after the date the return is filed:

602 (A) with respect to a tax, fee, or charge, except for a tax under Chapter 7, Corporate
603 Franchise and Income Taxes, or Chapter 10, Individual Income Tax Act; or

604 (B) if the return is not filed electronically.

605 (c) (i) In the case of an amended return, interest on an overpayment shall be allowed:

606 (A) for a time period:

607 (I) that begins on the later of:

608 (Aa) the date the original return was filed; or

609 (Bb) the due date for filing the original return not including any extensions for filing
610 the original return; and

611 (II) that ends on the date the commission receives the amended return; and

612 (B) if the commission does not make a refund of an overpayment under this Subsection

613 (5)(c):

614 (I) if the amended return is with respect to a tax under Chapter 7, Corporate Franchise

615 and Income Taxes, or Chapter 10, Individual Income Tax Act, and is filed electronically,
616 within a 45-day period after the date the commission receives the amended return, for a time
617 period:

618 (Aa) that begins 46 days after the commission receives the amended return; and

619 (Bb) subject to Subsection (5)(c)(ii), that ends on the date that the commission
620 completes processing the refund of the overpayment; or

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

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

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

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

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

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

639 Section 4. Section **59-1-403** is amended to read:

640 **59-1-403. Confidentiality -- Exceptions -- Penalty -- Application to property tax.**

641 (1) (a) Any of the following may not divulge or make known in any manner any
642 information gained by that person from any return filed with the commission:

643 (i) a tax commissioner;

644 (ii) an agent, clerk, or other officer or employee of the commission; or

645 (iii) a representative, agent, clerk, or other officer or employee of any county, city, or

646 town.

647 (b) An official charged with the custody of a return filed with the commission is not
648 required to produce the return or evidence of anything contained in the return in any action or
649 proceeding in any court, except:

650 (i) in accordance with judicial order;

651 (ii) on behalf of the commission in any action or proceeding under:

652 (A) this title; or

653 (B) other law under which persons are required to file returns with the commission;

654 (iii) on behalf of the commission in any action or proceeding to which the commission
655 is a party; or

656 (iv) on behalf of any party to any action or proceeding under this title if the report or
657 facts shown by the return are directly involved in the action or proceeding.

658 (c) Notwithstanding Subsection (1)(b), a court may require the production of, and may
659 admit in evidence, any portion of a return or of the facts shown by the return, as are specifically
660 pertinent to the action or proceeding.

661 (2) This section does not prohibit:

662 (a) a person or that person's duly authorized representative from receiving a copy of
663 any return or report filed in connection with that person's own tax;

664 (b) the publication of statistics as long as the statistics are classified to prevent the
665 identification of particular reports or returns; and

666 (c) the inspection by the attorney general or other legal representative of the state of the
667 report or return of any taxpayer:

668 (i) who brings action to set aside or review a tax based on the report or return;

669 (ii) against whom an action or proceeding is contemplated or has been instituted under
670 this title; or

671 (iii) against whom the state has an unsatisfied money judgment.

672 (3) (a) Notwithstanding Subsection (1) and for purposes of administration, the
673 commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
674 Rulemaking Act, provide for a reciprocal exchange of information with:

675 (i) the United States Internal Revenue Service; or

676 (ii) the revenue service of any other state.

677 (b) Notwithstanding Subsection (1) and for all taxes except individual income tax and
678 corporate franchise tax, the commission may by rule, made in accordance with Title 63G,
679 Chapter 3, Utah Administrative Rulemaking Act, share information gathered from returns and
680 other written statements with the federal government, any other state, any of the political
681 subdivisions of another state, or any political subdivision of this state, except as limited by
682 Sections 59-12-209 and 59-12-210, if the political subdivision, other state, or the federal
683 government grant substantially similar privileges to this state.

684 (c) Notwithstanding Subsection (1) and for all taxes except individual income tax and
685 corporate franchise tax, the commission may by rule, in accordance with Title 63G, Chapter 3,
686 Utah Administrative Rulemaking Act, provide for the issuance of information concerning the
687 identity and other information of taxpayers who have failed to file tax returns or to pay any tax
688 due.

689 (d) Notwithstanding Subsection (1), the commission shall provide to the director of the
690 Division of Environmental Response and Remediation, as defined in Section 19-6-402, as
691 requested by the director of the Division of Environmental Response and Remediation, any
692 records, returns, or other information filed with the commission under Chapter 13, Motor and
693 Special Fuel Tax Act, or Section 19-6-410.5 regarding the environmental assurance program
694 participation fee.

695 (e) Notwithstanding Subsection (1), at the request of any person the commission shall
696 provide that person sales and purchase volume data reported to the commission on a report,
697 return, or other information filed with the commission under:

- 698 (i) Chapter 13, Part 2, Motor Fuel; or
- 699 (ii) Chapter 13, Part 4, Aviation Fuel.

700 (f) Notwithstanding Subsection (1), upon request from a tobacco product manufacturer,
701 as defined in Section 59-22-202, the commission shall report to the manufacturer:

702 (i) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
703 manufacturer and reported to the commission for the previous calendar year under Section
704 59-14-407; and

705 (ii) the quantity of cigarettes, as defined in Section 59-22-202, produced by the
706 manufacturer for which a tax refund was granted during the previous calendar year under
707 Section 59-14-401 and reported to the commission under Subsection 59-14-401(1)(a)(v).

708 (g) Notwithstanding Subsection (1), the commission shall notify manufacturers,
709 distributors, wholesalers, and retail dealers of a tobacco product manufacturer that is prohibited
710 from selling cigarettes to consumers within the state under Subsection 59-14-210(2).

711 (h) Notwithstanding Subsection (1), the commission may:

712 (i) provide to the Division of Consumer Protection within the Department of
713 Commerce and the attorney general data:

714 (A) reported to the commission under Section 59-14-212; or

715 (B) related to a violation under Section 59-14-211; and

716 (ii) upon request, provide to any person data reported to the commission under
717 Subsections 59-14-212(1)(a) through (c) and Subsection 59-14-212(1)(g).

718 (i) Notwithstanding Subsection (1), the commission shall, at the request of a committee
719 of the Legislature, the Office of the Legislative Fiscal Analyst, or the Governor's Office of
720 Management and Budget, provide to the committee or office the total amount of revenues
721 collected by the commission under Chapter 24, Radioactive Waste Facility Tax Act, for the
722 time period specified by the committee or office.

723 (j) Notwithstanding Subsection (1), the commission shall make the directory required
724 by Section 59-14-603 available for public inspection.

725 (k) Notwithstanding Subsection (1), the commission may share information with
726 federal, state, or local agencies as provided in Subsection 59-14-606(3).

727 (l) (i) Notwithstanding Subsection (1), the commission shall provide the Office of
728 Recovery Services within the Department of Human Services any relevant information
729 obtained from a return filed under Chapter 10, Individual Income Tax Act, regarding a taxpayer
730 who has become obligated to the Office of Recovery Services.

731 (ii) The information described in Subsection (3)(l)(i) may be provided by the Office of
732 Recovery Services to any other state's child support collection agency involved in enforcing
733 that support obligation.

734 (m) (i) Notwithstanding Subsection (1), upon request from the state court
735 administrator, the commission shall provide to the state court administrator, the name, address,
736 telephone number, county of residence, and social security number on resident returns filed
737 under Chapter 10, Individual Income Tax Act.

738 (ii) The state court administrator may use the information described in Subsection

739 (3)(m)(i) only as a source list for the master jury list described in Section 78B-1-106.

740 (n) Notwithstanding Subsection (1), the commission shall at the request of a
741 committee, commission, or task force of the Legislature provide to the committee, commission,
742 or task force of the Legislature any information relating to a tax imposed under Chapter 9,
743 Taxation of Admitted Insurers, relating to the study required by Section 59-9-101.

744 (o) (i) As used in this Subsection (3)(o), "office" means the:

745 (A) Office of the Legislative Fiscal Analyst; or

746 (B) Office of Legislative Research and General Counsel.

747 (ii) Notwithstanding Subsection (1) and except as provided in Subsection (3)(o)(iii),
748 the commission shall at the request of an office provide to the office all information:

749 (A) gained by the commission; and

750 (B) required to be attached to or included in returns filed with the commission.

751 (iii) (A) An office may not request and the commission may not provide to an office a
752 person's:

753 (I) address;

754 (II) name;

755 (III) social security number; or

756 (IV) taxpayer identification number.

757 (B) The commission shall in all instances protect the privacy of a person as required by
758 Subsection (3)(o)(iii)(A).

759 (iv) An office may provide information received from the commission in accordance
760 with this Subsection (3)(o) only:

761 (A) as:

762 (I) a fiscal estimate;

763 (II) fiscal note information; or

764 (III) statistical information; and

765 (B) if the information is classified to prevent the identification of a particular return.

766 (v) (A) A person may not request information from an office under Title 63G, Chapter
767 2, Government Records Access and Management Act, or this section, if that office received the
768 information from the commission in accordance with this Subsection (3)(o).

769 (B) An office may not provide to a person that requests information in accordance with

770 Subsection (3)(o)(v)(A) any information other than the information the office provides in
771 accordance with Subsection (3)(o)(iv).

772 (p) Notwithstanding Subsection (1), the commission may provide to the governing
773 board of the agreement or a taxing official of another state, the District of Columbia, the United
774 States, or a territory of the United States:

775 (i) the following relating to an agreement sales and use tax:

776 (A) information contained in a return filed with the commission;

777 (B) information contained in a report filed with the commission;

778 (C) a schedule related to Subsection (3)(p)(i)(A) or (B); or

779 (D) a document filed with the commission; or

780 (ii) a report of an audit or investigation made with respect to an agreement sales and
781 use tax.

782 (q) Notwithstanding Subsection (1), the commission may provide information
783 concerning a taxpayer's state income tax return or state income tax withholding information to
784 the Driver License Division if the Driver License Division:

785 (i) requests the information; and

786 (ii) provides the commission with a signed release form from the taxpayer allowing the
787 Driver License Division access to the information.

788 (r) Notwithstanding Subsection (1), the commission shall provide to the Utah
789 Communications Authority, or a division of the Utah Communications Authority, the
790 information requested by the authority under Sections [63H-7a-302](#), [63H-7a-402](#), and
791 [63H-7a-502](#).

792 (s) Notwithstanding Subsection (1), the commission shall provide to the Utah
793 Educational Savings Plan information related to a resident or nonresident individual's
794 contribution to a Utah Educational Savings Plan account as designated on the resident or
795 nonresident's individual income tax return as provided under Section [59-10-1313](#).

796 (t) Notwithstanding Subsection (1), for the purpose of verifying eligibility under
797 Sections [26-18-2.5](#) and [26-40-105](#), the commission shall provide an eligibility worker with the
798 Department of Health or its designee with the adjusted gross income of an individual if:

799 (i) an eligibility worker with the Department of Health or its designee requests the
800 information from the commission; and

801 (ii) the eligibility worker has complied with the identity verification and consent
802 provisions of Sections [26-18-2.5](#) and [26-40-105](#).

803 (u) Notwithstanding Subsection (1), the commission may provide to a county, as
804 determined by the commission, information declared on an individual income tax return in
805 accordance with Section [59-10-103.1](#) that relates to eligibility to claim a residential exemption
806 authorized under Section [59-2-103](#).

807 (v) Notwithstanding Subsection (1), the commission shall provide a report regarding
808 any access line provider that is over 90 days delinquent in payment to the commission of
809 amounts the access line provider owes under Title 69, Chapter 2, Part 4, 911 Emergency
810 Service Charges, to:

811 (i) the board of the Utah Communications Authority created in Section [63H-7a-201](#);
812 and

813 (ii) the Public Utilities, Energy, and Technology Interim Committee.

814 (4) (a) Each report and return shall be preserved for at least three years.

815 (b) After the three-year period provided in Subsection (4)(a) the commission may
816 destroy a report or return.

817 (5) (a) Any person who violates this section is guilty of a class A misdemeanor.

818 (b) If the person described in Subsection (5)(a) is an officer or employee of the state,
819 the person shall be dismissed from office and be disqualified from holding public office in this
820 state for a period of five years thereafter.

821 (c) Notwithstanding Subsection (5)(a) or (b), an office that requests information in
822 accordance with Subsection (3)(o)(iii) or a person that requests information in accordance with
823 Subsection (3)(o)(v):

824 (i) is not guilty of a class A misdemeanor; and

825 (ii) is not subject to:

826 (A) dismissal from office in accordance with Subsection (5)(b); or

827 (B) disqualification from holding public office in accordance with Subsection (5)(b).

828 (6) Except as provided in Section [59-1-404](#), this part does not apply to the property tax.

829 Section 5. Section **59-1-1402** is amended to read:

830 **59-1-1402. Definitions.**

831 As used in this part:

- 832 (1) "Administrative cost" means a fee imposed to cover:
- 833 (a) the cost of filing;
- 834 (b) the cost of administering a garnishment;
- 835 (c) the amount the commission pays to a depository institution in accordance with
- 836 ~~[Title 59, Chapter 1,]~~ Part 17, Depository Institution Data Match System and Levy Act; or
- 837 (d) a cost similar to Subsections (1)(a) through (c) as determined by the commission by
- 838 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 839 (2) "Books and records" means the following made available in printed or electronic
- 840 format:
- 841 (a) an account;
- 842 (b) a book;
- 843 (c) an invoice;
- 844 (d) a memorandum;
- 845 (e) a paper;
- 846 (f) a record; or
- 847 (g) an item similar to Subsections (2)(a) through (f) as determined by the commission
- 848 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 849 (3) "Deficiency" means:
- 850 (a) the amount by which a tax, fee, or charge exceeds the difference between:
- 851 (i) the sum of:
- 852 (A) the amount shown as the tax, fee, or charge by a person on the person's return; and
- 853 (B) any amount previously assessed, or collected without assessment, as a deficiency;
- 854 and
- 855 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect
- 856 to that tax, fee, or charge; or
- 857 (b) if a person does not show an amount as a tax, fee, or charge on the person's return,
- 858 or if a person does not make a return, the amount by which the tax, fee, or charge exceeds:
- 859 (i) the amount previously assessed, or collected without assessment, as a deficiency;
- 860 and
- 861 (ii) any amount previously abated, credited, refunded, or otherwise repaid with respect
- 862 to that tax, fee, or charge.

863 (4) "Garnishment" means any legal or equitable procedure through which one or more
864 of the following are required to be withheld for payment of an amount a person owes:

- 865 (a) an asset of the person held by another person; or
866 (b) the earnings of the person.

867 (5) "Liability" means the following that a person is required to remit to the
868 commission:

- 869 (a) a tax, fee, or charge;
870 (b) an addition to a tax, fee, or charge;
871 (c) an administrative cost;
872 (d) interest that accrues in accordance with Section 59-1-402; or
873 (e) a penalty that accrues in accordance with Section 59-1-401.

874 (6) (a) Subject to Subsection (6)(b), "mathematical error" is as defined in Section
875 6213(g)(2), Internal Revenue Code.

876 (b) The reference to Section 6213(g)(2), Internal Revenue Code, in Subsection (6)(a)
877 means:

- 878 (i) the reference to Section 6213(g)(2), Internal Revenue Code, in effect for the taxable
879 year; or
880 (ii) a corresponding or comparable provision of the Internal Revenue Code as
881 amended, redesignated, or reenacted.

882 (7) (a) Except as provided in Subsection (7)(b), "tax, fee, or charge" means:

883 (i) a tax, fee, or charge the commission administers under:

- 884 (A) this title;
885 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
886 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
887 (D) Section 19-6-410.5;
888 (E) Section 19-6-714;
889 (F) Section 19-6-805;
890 (G) Section 32B-2-304;
891 (H) Section 34A-2-202;
892 (I) Section 40-6-14; or
893 [~~(J) Section 69-2-5;~~]

894 [~~(K)~~ Section ~~69-2-5.5~~; or]

895 [~~(L)~~ Section ~~69-2-5.6~~; or]

896 (J) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or

897 (ii) another amount that by statute is administered by the commission.

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

899 (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section ~~41-1a-301~~;

900 (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

901 (iii) Chapter 2, Property Tax Act;

902 (iv) Chapter 3, Tax Equivalent Property Act;

903 (v) Chapter 4, Privilege Tax; or

904 (vi) Chapter 13, Part 5, Interstate Agreements.

905 (8) "Transferee" means:

906 (a) a devisee;

907 (b) a distributee;

908 (c) a donee;

909 (d) an heir;

910 (e) a legatee; or

911 (f) a person similar to Subsections (8)(a) through (e) as determined by the commission

912 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

913 Section 6. Section ~~59-12-107~~ is amended to read:

914 **59-12-107. Definitions -- Collection, remittance, and payment of tax by sellers or**
915 **other persons -- Returns -- Reports -- Direct payment by purchaser of vehicle -- Other**
916 **liability for collection -- Rulemaking authority -- Credits -- Treatment of bad debt --**
917 **Penalties and interest.**

918 (1) As used in this section:

919 (a) "Ownership" means direct ownership or indirect ownership through a parent,
920 subsidiary, or affiliate.

921 (b) "Related seller" means a seller that:

922 (i) meets one or more of the criteria described in Subsection (2)(a)(i); and

923 (ii) delivers tangible personal property, a service, or a product transferred electronically

924 that is sold:

925 (A) by a seller that does not meet one or more of the criteria described in Subsection
926 (2)(a)(i); and

927 (B) to a purchaser in the state.

928 (c) "Substantial ownership interest" means an ownership interest in a business entity if
929 that ownership interest is greater than the degree of ownership of equity interest specified in 15
930 U.S.C. Sec. 78p, with respect to a person other than a director or an officer.

931 (2) (a) Except as provided in Subsection (2)(e), Section 59-12-107.1, or Section
932 59-12-123, and subject to Subsection (2)(f), each seller shall pay or collect and remit the sales
933 and use taxes imposed by this chapter if within this state the seller:

934 (i) has or utilizes:

935 (A) an office;

936 (B) a distribution house;

937 (C) a sales house;

938 (D) a warehouse;

939 (E) a service enterprise; or

940 (F) a place of business similar to Subsections (2)(a)(i)(A) through (E);

941 (ii) maintains a stock of goods;

942 (iii) regularly solicits orders, regardless of whether or not the orders are accepted in the
943 state, unless the seller's only activity in the state is:

944 (A) advertising; or

945 (B) solicitation by:

946 (I) direct mail;

947 (II) electronic mail;

948 (III) the Internet;

949 (IV) telecommunications service; or

950 (V) a means similar to Subsection (2)(a)(iii)(A) or (B);

951 (iv) regularly engages in the delivery of property in the state other than by:

952 (A) common carrier; or

953 (B) United States mail; or

954 (v) regularly engages in an activity directly related to the leasing or servicing of
955 property located within the state.

956 (b) A seller is considered to be engaged in the business of selling tangible personal
957 property, a service, or a product transferred electronically for use in the state, and shall pay or
958 collect and remit the sales and use taxes imposed by this chapter if:

959 (i) the seller holds a substantial ownership interest in, or is owned in whole or in
960 substantial part by, a related seller; and

961 (ii) (A) the seller sells the same or a substantially similar line of products as the related
962 seller and does so under the same or a substantially similar business name; or

963 (B) the place of business described in Subsection (2)(a)(i) of the related seller or an in
964 state employee of the related seller is used to advertise, promote, or facilitate sales by the seller
965 to a purchaser.

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

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

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

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

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

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

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

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

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

980 (C) Section 19-6-714;

981 (D) Section 19-6-805;

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

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

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

985 (E) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or

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

- 987 (ii) collect and remit a tax, fee, or charge under:
- 988 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 989 (B) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;
- 990 (C) Section 19-6-714;
- 991 (D) Section 19-6-805;
- 992 [~~(E) Section 69-2-5;~~]
- 993 [~~(F) Section 69-2-5.5;~~]
- 994 [~~(G) Section 69-2-5.6; or~~]
- 995 (E) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or
- 996 [~~(H)~~] (F) this title.
- 997 (e) A person shall pay a use tax imposed by this chapter on a transaction described in
- 998 Subsection 59-12-103(1) if:
- 999 (i) the seller did not collect a tax imposed by this chapter on the transaction; and
- 1000 (ii) the person:
- 1001 (A) stores the tangible personal property or product transferred electronically in the
- 1002 state;
- 1003 (B) uses the tangible personal property or product transferred electronically in the state;
- 1004 or
- 1005 (C) consumes the tangible personal property or product transferred electronically in the
- 1006 state.
- 1007 (f) The ownership of property that is located at the premises of a printer's facility with
- 1008 which the retailer has contracted for printing and that consists of the final printed product,
- 1009 property that becomes a part of the final printed product, or copy from which the printed
- 1010 product is produced, shall not result in the retailer being considered to have or maintain an
- 1011 office, distribution house, sales house, warehouse, service enterprise, or other place of
- 1012 business, or to maintain a stock of goods, within this state.
- 1013 (3) (a) Except as provided in Section 59-12-107.1, a tax under this chapter shall be
- 1014 collected from a purchaser.
- 1015 (b) A seller may not collect as tax an amount, without regard to fractional parts of one
- 1016 cent, in excess of the tax computed at the rates prescribed by this chapter.
- 1017 (c) (i) Each seller shall:

- 1018 (A) give the purchaser a receipt for the tax collected; or
1019 (B) bill the tax as a separate item and declare the name of this state and the seller's
1020 sales and use tax license number on the invoice for the sale.
- 1021 (ii) The receipt or invoice is prima facie evidence that the seller has collected the tax
1022 and relieves the purchaser of the liability for reporting the tax to the commission as a
1023 consumer.
- 1024 (d) A seller is not required to maintain a separate account for the tax collected, but is
1025 considered to be a person charged with receipt, safekeeping, and transfer of public money.
- 1026 (e) Taxes collected by a seller pursuant to this chapter shall be held in trust for the
1027 benefit of the state and for payment to the commission in the manner and at the time provided
1028 for in this chapter.
- 1029 (f) If any seller, during any reporting period, collects as a tax an amount in excess of
1030 the lawful state and local percentage of total taxable sales allowed under this chapter, the seller
1031 shall remit to the commission the full amount of the tax imposed under this chapter, plus any
1032 excess.
- 1033 (g) If the accounting methods regularly employed by the seller in the transaction of the
1034 seller's business are such that reports of sales made during a calendar month or quarterly period
1035 will impose unnecessary hardships, the commission may accept reports at intervals that will, in
1036 the commission's opinion, better suit the convenience of the taxpayer or seller and will not
1037 jeopardize collection of the tax.
- 1038 (h) (i) For a purchase paid with specie legal tender as defined in Section [59-1-1501.1](#),
1039 and until such time as the commission accepts specie legal tender for the payment of a tax
1040 under this chapter, if the commission requires a seller to remit a tax under this chapter in legal
1041 tender other than specie legal tender, the seller shall state on the seller's books and records and
1042 on an invoice, bill of sale, or similar document provided to the purchaser:
- 1043 (A) the purchase price in specie legal tender and in the legal tender the seller is
1044 required to remit to the commission;
- 1045 (B) subject to Subsection (3)(h)(ii), the amount of tax due under this chapter in specie
1046 legal tender and in the legal tender the seller is required to remit to the commission;
- 1047 (C) the tax rate under this chapter applicable to the purchase; and
1048 (D) the date of the purchase.

1049 (ii) (A) Subject to Subsection (3)(h)(ii)(B), for purposes of determining the amount of
1050 tax due under Subsection (3)(h)(i), a seller shall use the most recent London fixing price for the
1051 specie legal tender the purchaser paid.

1052 (B) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1053 commission may make rules for determining the amount of tax due under Subsection (3)(h)(i)
1054 if the London fixing price is not available for a particular day.

1055 (4) (a) Except as provided in Subsections (5) through (7) and Section 59-12-108, the
1056 sales or use tax imposed by this chapter is due and payable to the commission quarterly on or
1057 before the last day of the month next succeeding each calendar quarterly period.

1058 (b) (i) Each seller shall, on or before the last day of the month next succeeding each
1059 calendar quarterly period, file with the commission a return for the preceding quarterly period.

1060 (ii) The seller shall remit with the return under Subsection (4)(b)(i) the amount of the
1061 tax required under this chapter to be collected or paid for the period covered by the return.

1062 (c) Except as provided in Subsection (5)(c), a return shall contain information and be in
1063 a form the commission prescribes by rule.

1064 (d) (i) Subject to Subsection (4)(d)(ii), the sales tax as computed in the return shall be
1065 based on the total nonexempt sales made during the period for which the return is filed,
1066 including both cash and charge sales.

1067 (ii) For a sale that includes the delivery or installation of tangible personal property at a
1068 location other than a seller's place of business described in Subsection (2)(a)(i), if the delivery
1069 or installation is separately stated on an invoice or receipt, a seller may compute the tax due on
1070 the sale for purposes of Subsection (4)(d)(i) based on the amount the seller receives for that
1071 sale during each period for which the seller receives payment for the sale.

1072 (e) (i) The use tax as computed in the return shall be based on the total amount of
1073 purchases for storage, use, or other consumption in this state made during the period for which
1074 the return is filed, including both cash and charge purchases.

1075 (ii) (A) As used in this Subsection (4)(e)(ii), "qualifying purchaser" means a purchaser
1076 who is required to remit taxes under this chapter, but is not required to remit taxes monthly in
1077 accordance with Section 59-12-108, and who converts tangible personal property into real
1078 property.

1079 (B) Subject to Subsections (4)(e)(ii)(C) and (D), a qualifying purchaser may remit the

1080 taxes due under this chapter on tangible personal property for which the qualifying purchaser
1081 claims an exemption as allowed under Subsection 59-12-104(23) or (25) based on the period in
1082 which the qualifying purchaser receives payment, in accordance with Subsection (4)(e)(ii)(C),
1083 for the conversion of the tangible personal property into real property.

1084 (C) A qualifying purchaser remitting taxes due under this chapter in accordance with
1085 Subsection (4)(e)(ii)(B) shall remit an amount equal to the total amount of tax due on the
1086 qualifying purchaser's purchase of the tangible personal property that was converted into real
1087 property multiplied by a fraction, the numerator of which is the payment received in the period
1088 for the qualifying purchaser's sale of the tangible personal property that was converted into real
1089 property and the denominator of which is the entire sales price for the qualifying purchaser's
1090 sale of the tangible personal property that was converted into real property.

1091 (D) A qualifying purchaser may remit taxes due under this chapter in accordance with
1092 this Subsection (4)(e)(ii) only if the books and records that the qualifying purchaser keeps in
1093 the qualifying purchaser's regular course of business identify by reasonable and verifiable
1094 standards that the tangible personal property was converted into real property.

1095 (f) (i) Subject to Subsection (4)(f)(ii) and in accordance with Title 63G, Chapter 3,
1096 Utah Administrative Rulemaking Act, the commission may by rule extend the time for making
1097 returns and paying the taxes.

1098 (ii) An extension under Subsection (4)(f)(i) may not be for more than 90 days.

1099 (g) The commission may require returns and payment of the tax to be made for other
1100 than quarterly periods if the commission considers it necessary in order to ensure the payment
1101 of the tax imposed by this chapter.

1102 (h) (i) The commission may require a seller that files a simplified electronic return with
1103 the commission to file an additional electronic report with the commission.

1104 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1105 commission may make rules providing:

1106 (A) the information required to be included in the additional electronic report described
1107 in Subsection (4)(h)(i); and

1108 (B) one or more due dates for filing the additional electronic report described in
1109 Subsection (4)(h)(i).

1110 (5) (a) As used in this Subsection (5) and Subsection (6)(b), "remote seller" means a

- 1111 seller that is:
- 1112 (i) registered under the agreement;
 - 1113 (ii) described in Subsection (2)(c); and
 - 1114 (iii) not a:
 - 1115 (A) model 1 seller;
 - 1116 (B) model 2 seller; or
 - 1117 (C) model 3 seller.
 - 1118 (b) (i) Except as provided in Subsection (5)(b)(ii), a tax a remote seller collects in
1119 accordance with Subsection (2)(c) is due and payable:
 - 1120 (A) to the commission;
 - 1121 (B) annually; and
 - 1122 (C) on or before the last day of the month immediately following the last day of each
1123 calendar year.
 - 1124 (ii) The commission may require that a tax a remote seller collects in accordance with
1125 Subsection (2)(c) be due and payable:
 - 1126 (A) to the commission; and
 - 1127 (B) on the last day of the month immediately following any month in which the seller
1128 accumulates a total of at least \$1,000 in agreement sales and use tax.
 - 1129 (c) (i) If a remote seller remits a tax to the commission in accordance with Subsection
1130 (5)(b), the remote seller shall file a return:
 - 1131 (A) with the commission;
 - 1132 (B) with respect to the tax;
 - 1133 (C) containing information prescribed by the commission; and
 - 1134 (D) on a form prescribed by the commission.
 - 1135 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1136 commission shall make rules prescribing:
 - 1137 (A) the information required to be contained in a return described in Subsection
1138 (5)(c)(i); and
 - 1139 (B) the form described in Subsection (5)(c)(i)(D).
 - 1140 (d) A tax a remote seller collects in accordance with this Subsection (5) shall be
1141 calculated on the basis of the total amount of taxable transactions under Subsection

1142 59-12-103(1) the remote seller completes, including:

1143 (i) a cash transaction; and

1144 (ii) a charge transaction.

1145 (6) (a) Except as provided in Subsection (6)(b), a tax a seller that files a simplified
1146 electronic return collects in accordance with this chapter is due and payable:

1147 (i) monthly on or before the last day of the month immediately following the month for
1148 which the seller collects a tax under this chapter; and

1149 (ii) for the month for which the seller collects a tax under this chapter.

1150 (b) A tax a remote seller that files a simplified electronic return collects in accordance
1151 with this chapter is due and payable as provided in Subsection (5).

1152 (7) (a) On each vehicle sale made by other than a regular licensed vehicle dealer, the
1153 purchaser shall pay the sales or use tax directly to the commission if the vehicle is subject to
1154 titling or registration under the laws of this state.

1155 (b) The commission shall collect the tax described in Subsection (7)(a) when the
1156 vehicle is titled or registered.

1157 (8) If any sale of tangible personal property or any other taxable transaction under
1158 Subsection 59-12-103(1), is made by a wholesaler to a retailer, the wholesaler is not
1159 responsible for the collection or payment of the tax imposed on the sale and the retailer is
1160 responsible for the collection or payment of the tax imposed on the sale if:

1161 (a) the retailer represents that the personal property is purchased by the retailer for
1162 resale; and

1163 (b) the personal property is not subsequently resold.

1164 (9) If any sale of property or service subject to the tax is made to a person prepaying
1165 sales or use tax in accordance with Title 63M, Chapter 5, Resource Development Act, or to a
1166 contractor or subcontractor of that person, the person to whom such payment or consideration
1167 is payable is not responsible for the collection or payment of the sales or use tax and the person
1168 prepaying the sales or use tax is responsible for the collection or payment of the sales or use tax
1169 if the person prepaying the sales or use tax represents that the amount prepaid as sales or use
1170 tax has not been fully credited against sales or use tax due and payable under the rules
1171 promulgated by the commission.

1172 (10) (a) For purposes of this Subsection (10):

- 1173 (i) Except as provided in Subsection (10)(a)(ii), "bad debt" is as defined in Section
1174 166, Internal Revenue Code.
- 1175 (ii) Notwithstanding Subsection (10)(a)(i), "bad debt" does not include:
- 1176 (A) an amount included in the purchase price of tangible personal property, a product
1177 transferred electronically, or a service that is:
- 1178 (I) not a transaction described in Subsection 59-12-103(1); or
1179 (II) exempt under Section 59-12-104;
- 1180 (B) a financing charge;
1181 (C) interest;
1182 (D) a tax imposed under this chapter on the purchase price of tangible personal
1183 property, a product transferred electronically, or a service;
- 1184 (E) an uncollectible amount on tangible personal property or a product transferred
1185 electronically that:
- 1186 (I) is subject to a tax under this chapter; and
1187 (II) remains in the possession of a seller until the full purchase price is paid;
- 1188 (F) an expense incurred in attempting to collect any debt; or
1189 (G) an amount that a seller does not collect on repossessed property.
- 1190 (b) (i) To the extent an amount remitted in accordance with Subsection (4)(d) later
1191 becomes bad debt, a seller may deduct the bad debt from the total amount from which a tax
1192 under this chapter is calculated on a return.
- 1193 (ii) A qualifying purchaser, as defined in Subsection (4)(e)(ii)(A), may deduct from the
1194 total amount of taxes due under this chapter the amount of tax the qualifying purchaser paid on
1195 the qualifying purchaser's purchase of tangible personal property converted into real property to
1196 the extent that:
- 1197 (A) tax was remitted in accordance with Subsection (4)(e) on that tangible personal
1198 property converted into real property;
- 1199 (B) the qualifying purchaser's sale of that tangible personal property converted into real
1200 property later becomes bad debt; and
- 1201 (C) the books and records that the qualifying purchaser keeps in the qualifying
1202 purchaser's regular course of business identify by reasonable and verifiable standards that the
1203 tangible personal property was converted into real property.

- 1204 (c) A seller may file a refund claim with the commission if:
- 1205 (i) the amount of bad debt for the time period described in Subsection (10)(e) exceeds
- 1206 the amount of the seller's sales that are subject to a tax under this chapter for that same time
- 1207 period; and
- 1208 (ii) as provided in Section [59-1-1410](#).
- 1209 (d) A bad debt deduction under this section may not include interest.
- 1210 (e) A bad debt may be deducted under this Subsection (10) on a return for the time
- 1211 period during which the bad debt:
- 1212 (i) is written off as uncollectible in the seller's books and records; and
- 1213 (ii) would be eligible for a bad debt deduction:
- 1214 (A) for federal income tax purposes; and
- 1215 (B) if the seller were required to file a federal income tax return.
- 1216 (f) If a seller recovers any portion of bad debt for which the seller makes a deduction or
- 1217 claims a refund under this Subsection (10), the seller shall report and remit a tax under this
- 1218 chapter:
- 1219 (i) on the portion of the bad debt the seller recovers; and
- 1220 (ii) on a return filed for the time period for which the portion of the bad debt is
- 1221 recovered.
- 1222 (g) For purposes of reporting a recovery of a portion of bad debt under Subsection
- 1223 (10)(f), a seller shall apply amounts received on the bad debt in the following order:
- 1224 (i) in a proportional amount:
- 1225 (A) to the purchase price of the tangible personal property, product transferred
- 1226 electronically, or service; and
- 1227 (B) to the tax due under this chapter on the tangible personal property, product
- 1228 transferred electronically, or service; and
- 1229 (ii) to:
- 1230 (A) interest charges;
- 1231 (B) service charges; and
- 1232 (C) other charges.
- 1233 (h) A seller's certified service provider may make a deduction or claim a refund for bad
- 1234 debt on behalf of the seller:

1235 (i) in accordance with this Subsection (10); and
1236 (ii) if the certified service provider credits or refunds the entire amount of the bad debt
1237 deduction or refund to the seller.

1238 (i) A seller may allocate bad debt among the states that are members of the agreement
1239 if the seller's books and records support that allocation.

1240 (11) (a) A seller may not, with intent to evade any tax, fail to timely remit the full
1241 amount of tax required by this chapter.

1242 (b) A violation of this section is punishable as provided in Section 59-1-401.

1243 (c) Each person who fails to pay any tax to the state or any amount of tax required to be
1244 paid to the state, except amounts determined to be due by the commission under Chapter 1,
1245 Part 14, Assessment, Collections, and Refunds Act, or Section 59-12-111, within the time
1246 required by this chapter, or who fails to file any return as required by this chapter, shall pay, in
1247 addition to the tax, penalties and interest as provided in Sections 59-1-401 and 59-1-402.

1248 (d) For purposes of prosecution under this section, each quarterly tax period in which a
1249 seller, with intent to evade any tax, collects a tax and fails to timely remit the full amount of the
1250 tax required to be remitted, constitutes a separate offense.

1251 Section 7. Section 59-12-108 is amended to read:

1252 **59-12-108. Monthly payment -- Amount of tax a seller may retain -- Penalty --**
1253 **Certain amounts allocated to local taxing jurisdictions.**

1254 (1) (a) Notwithstanding Section 59-12-107, a seller that has a tax liability under this
1255 chapter of \$50,000 or more for the previous calendar year shall:

1256 (i) file a return with the commission:

1257 (A) monthly on or before the last day of the month immediately following the month
1258 for which the seller collects a tax under this chapter; and

1259 (B) for the month for which the seller collects a tax under this chapter; and

1260 (ii) except as provided in Subsection (1)(b), remit with the return required by
1261 Subsection (1)(a)(i) the amount the person is required to remit to the commission for each tax,
1262 fee, or charge described in Subsection (1)(c):

1263 (A) if that seller's tax liability under this chapter for the previous calendar year is less
1264 than \$96,000, by any method permitted by the commission; or

1265 (B) if that seller's tax liability under this chapter for the previous calendar year is

1266 \$96,000 or more, by electronic funds transfer.

1267 (b) A seller shall remit electronically with the return required by Subsection (1)(a)(i)
1268 the amount the seller is required to remit to the commission for each tax, fee, or charge
1269 described in Subsection (1)(c) if that seller:

1270 (i) is required by Section 59-12-107 to file the return electronically; or

1271 (ii) (A) is required to collect and remit a tax under Section 59-12-107; and

1272 (B) files a simplified electronic return.

1273 (c) Subsections (1)(a) and (b) apply to the following taxes, fees, or charges:

1274 (i) a tax under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1275 (ii) a fee under Section 19-6-714;

1276 (iii) a fee under Section 19-6-805;

1277 (iv) a charge under [~~Section 69-2-5;~~] Title 69, Chapter 2, Part 4, 911 Emergency

1278 Service Charges; or

1279 [~~(v) a charge under Section 69-2-5.5;~~]

1280 [~~(vi) a charge under Section 69-2-5.6; or~~]

1281 [~~(vii)~~] (v) a tax under this chapter.

1282 (d) Notwithstanding Subsection (1)(a)(ii) and in accordance with Title 63G, Chapter 3,
1283 Utah Administrative Rulemaking Act, the commission shall make rules providing for a method
1284 for making same-day payments other than by electronic funds transfer if making payments by
1285 electronic funds transfer fails.

1286 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1287 commission shall establish by rule procedures and requirements for determining the amount a
1288 seller is required to remit to the commission under this Subsection (1).

1289 (2) (a) Except as provided in Subsection (3), a seller subject to Subsection (1) or a
1290 seller described in Subsection (4) may retain each month the amount allowed by this
1291 Subsection (2).

1292 (b) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain
1293 each month 1.31% of any amounts the seller is required to remit to the commission:

1294 (i) for a transaction described in Subsection 59-12-103(1) that is subject to a state tax
1295 and a local tax imposed in accordance with the following, for the month for which the seller is
1296 filing a return in accordance with Subsection (1):

- 1297 (A) Subsection 59-12-103(2)(a);
1298 (B) Subsection 59-12-103(2)(b); and
1299 (C) Subsection 59-12-103(2)(d); and
1300 (ii) for an agreement sales and use tax.
1301 (c) (i) A seller subject to Subsection (1) or a seller described in Subsection (4) may
1302 retain each month the amount calculated under Subsection (2)(c)(ii) for a transaction described
1303 in Subsection 59-12-103(1) that is subject to the state tax and the local tax imposed in
1304 accordance with Subsection 59-12-103(2)(c).
1305 (ii) For purposes of Subsection (2)(c)(i), the amount a seller may retain is an amount
1306 equal to the sum of:
1307 (A) 1.31% of any amounts the seller is required to remit to the commission for:
1308 (I) the state tax and the local tax imposed in accordance with Subsection
1309 59-12-103(2)(c);
1310 (II) the month for which the seller is filing a return in accordance with Subsection (1);
1311 and
1312 (III) an agreement sales and use tax; and
1313 (B) 1.31% of the difference between:
1314 (I) the amounts the seller would have been required to remit to the commission:
1315 (Aa) in accordance with Subsection 59-12-103(2)(a) if the transaction had been subject
1316 to the state tax and the local tax imposed in accordance with Subsection 59-12-103(2)(a);
1317 (Bb) for the month for which the seller is filing a return in accordance with Subsection
1318 (1); and
1319 (Cc) for an agreement sales and use tax; and
1320 (II) the amounts the seller is required to remit to the commission for:
1321 (Aa) the state tax and the local tax imposed in accordance with Subsection
1322 59-12-103(2)(c);
1323 (Bb) the month for which the seller is filing a return in accordance with Subsection (1);
1324 and
1325 (Cc) an agreement sales and use tax.
1326 (d) A seller subject to Subsection (1) or a seller described in Subsection (4) may retain
1327 each month 1% of any amounts the seller is required to remit to the commission:

- 1328 (i) for the month for which the seller is filing a return in accordance with Subsection
1329 (1); and
- 1330 (ii) under:
- 1331 (A) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;
- 1332 (B) Subsection 59-12-603(1)(a)(i)(A); or
- 1333 (C) Subsection 59-12-603(1)(a)(i)(B).
- 1334 (3) A state government entity that is required to remit taxes monthly in accordance
1335 with Subsection (1) may not retain any amount under Subsection (2).
- 1336 (4) A seller that has a tax liability under this chapter for the previous calendar year of
1337 less than \$50,000 may:
- 1338 (a) voluntarily meet the requirements of Subsection (1); and
- 1339 (b) if the seller voluntarily meets the requirements of Subsection (1), retain the
1340 amounts allowed by Subsection (2).
- 1341 (5) (a) Subject to Subsections (5)(b) through (d), a seller that voluntarily collects and
1342 remits a tax in accordance with Subsection 59-12-107(2)(c)(i) may retain an amount equal to
1343 18% of any amounts the seller would otherwise remit to the commission:
- 1344 (i) if the seller obtains a license under Section 59-12-106 for the first time on or after
1345 January 1, 2014; and
- 1346 (ii) for:
- 1347 (A) an agreement sales and use tax; and
- 1348 (B) the time period for which the seller files a return in accordance with this section.
- 1349 (b) If a seller retains an amount under this Subsection (5), the seller may not retain any
1350 other amount under this section.
- 1351 (c) If a seller retains an amount under this Subsection (5), the commission may require
1352 the seller to file a return by:
- 1353 (i) electronic means; or
- 1354 (ii) a means other than electronic means.
- 1355 (d) A seller may not retain an amount under this Subsection (5) if the seller is required
1356 to collect or remit a tax under this section in accordance with Section 59-12-103.1.
- 1357 (6) Penalties for late payment shall be as provided in Section 59-1-401.
- 1358 (7) (a) Except as provided in Subsection (7)(c), for any amounts required to be remitted

1359 to the commission under this part, the commission shall each month calculate an amount equal
 1360 to the difference between:

1361 (i) the total amount retained for that month by all sellers had the percentages listed
 1362 under Subsections (2)(b) and (2)(c)(ii) been 1.5%; and

1363 (ii) the total amount retained for that month by all sellers at the percentages listed
 1364 under Subsections (2)(b) and (2)(c)(ii).

1365 (b) The commission shall each month allocate the amount calculated under Subsection
 1366 (7)(a) to each county, city, and town on the basis of the proportion of agreement sales and use
 1367 tax that the commission distributes to each county, city, and town for that month compared to
 1368 the total agreement sales and use tax that the commission distributes for that month to all
 1369 counties, cities, and towns.

1370 (c) The amount the commission calculates under Subsection (7)(a) may not include an
 1371 amount collected from a tax that:

1372 (i) the state imposes within a county, city, or town, including the unincorporated area
 1373 of a county; and

1374 (ii) is not imposed within the entire state.

1375 Section 8. Section **59-12-128** is amended to read:

1376 **59-12-128. Amnesty.**

1377 (1) As used in this section, "amnesty" means that a seller is not required to pay the
 1378 following amounts that the seller would otherwise be required to pay:

1379 (a) a tax, fee, or charge under:

1380 (i) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1381 (ii) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

1382 (iii) Section [19-6-714](#);

1383 (iv) Section [19-6-805](#);

1384 (v) Chapter 26, Multi-Channel Video or Audio Service Tax Act;

1385 [~~(vi) Section [69-2-5](#);~~]

1386 [~~(vii) Section [69-2-5.5](#);~~]

1387 [~~(viii) Section [69-2-5.6](#); or~~]

1388 (vi) Title 69, Chapter 2, Part 4, 911 Emergency Service Charges; or

1389 [~~(ix)~~] (vii) this chapter;

- 1390 (b) a penalty on a tax, fee, or charge described in Subsection (1)(a); or
1391 (c) interest on a tax, fee, or charge described in Subsection (1)(a).
1392 (2) (a) Except as provided in Subsections (2)(b) and (3) and subject to Subsections (4)
1393 and (5), the commission shall grant a seller amnesty if the seller:
1394 (i) obtains a license under Section 59-12-106; and
1395 (ii) is registered under the agreement.
1396 (b) The commission is not required to grant a seller amnesty under this section
1397 beginning 12 months after the date the state becomes a full member under the agreement.
1398 (3) A seller may not receive amnesty under this section for a tax, fee, or charge:
1399 (a) the seller collects;
1400 (b) the seller remits to the commission;
1401 (c) that the seller is required to remit to the commission on the seller's purchase; or
1402 (d) arising from a transaction that occurs within a time period that is under audit by the
1403 commission if:
1404 (i) the seller receives notice of the commencement of the audit prior to obtaining a
1405 license under Section 59-12-106; and
1406 (ii) (A) the audit described in Subsection (3)(d)(i) is not complete; or
1407 (B) the seller has not exhausted all administrative and judicial remedies in connection
1408 with the audit described in Subsection (3)(d)(i).
1409 (4) (a) Except as provided in Subsection (4)(b), amnesty the commission grants to a
1410 seller under this section:
1411 (i) applies to the time period during which the seller is not licensed under Section
1412 59-12-106; and
1413 (ii) remains in effect if, for a period of three years, the seller:
1414 (A) remains registered under the agreement;
1415 (B) collects a tax, fee, or charge on a transaction subject to a tax, fee, or charge
1416 described in Subsection (1)(a); and
1417 (C) remits to the commission the taxes, fees, and charges the seller collects in
1418 accordance with Subsection (4)(a)(ii)(B).
1419 (b) The commission may not grant a seller amnesty under this section if, with respect
1420 to a tax, fee, or charge for which the seller would otherwise be granted amnesty under this

1421 section, the seller commits:

1422 (i) fraud; or

1423 (ii) an intentional misrepresentation of a material fact.

1424 (5) (a) If a seller does not meet a requirement of Subsection (4)(a)(ii), the commission
1425 shall require the seller to pay the amounts described in Subsection (1) that the seller would
1426 have otherwise been required to pay.

1427 (b) Notwithstanding Section 59-1-1410, for purposes of requiring a seller to pay an
1428 amount in accordance with Subsection (5)(a), the time period for the commission to make an
1429 assessment under Section 59-1-1410 is extended for a time period beginning on the date the
1430 seller does not meet a requirement of Subsection (4)(a)(ii) and ends three years after that date.

1431 Section 9. Section 63H-7a-102 is amended to read:

1432 **63H-7a-102. Utah Communications Authority -- Purpose.**

1433 [~~The purpose of this~~] (1) This chapter [~~is to establish an independent state agency and a~~
1434 ~~board to administer the creation, administration, and maintenance of~~] establishes the Utah
1435 Communications Authority [~~to provide a public safety communications network, facilities, and~~
1436 ~~911 emergency services on a statewide basis for the benefit and use of public agencies, and~~
1437 ~~state and federal agencies.~~] as an independent state agency.

1438 (2) The Utah Communications Authority shall:

1439 (a) provide administrative and financial support for statewide 911 emergency services;
1440 and

1441 (b) establish and maintain a statewide public safety communications network.

1442 Section 10. Section 63H-7a-103 is amended to read:

1443 **63H-7a-103. Definitions.**

1444 As used in this chapter:

1445 (1) "Association of governments" means an association of political subdivisions of the
1446 state, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal
1447 Cooperation Act.

1448 [(+)] (2) "Authority" means the Utah Communications Authority [~~, an independent state~~
1449 ~~agency]~~ created in Section 63H-7a-201.

1450 [(2)] (3) "Board" means the Utah Communications Authority Board created in Section
1451 63H-7a-203.

1452 ~~[(3)]~~ (4) "Bonds" means bonds, notes, certificates, debentures, contracts, lease purchase
1453 agreements, or other evidences of indebtedness or borrowing issued or incurred by the
1454 authority pursuant to this chapter.

1455 (5) "Dispatch center" means an entity that receives and responds to an emergency or
1456 nonemergency communication transferred to the entity from a public safety answering point.

1457 ~~[(4)]~~ (6) "FirstNet" means the federal First Responder Network Authority [~~created by~~
1458 ~~Congress in the Middle Class Tax Relief and Job Creation Act of 2012]~~ established in 47
1459 U.S.C. Sec. 1424.

1460 ~~[(5)]~~ (7) "Lease" means any lease, lease purchase, sublease, operating, management, or
1461 similar agreement.

1462 ~~[(6) "Local entity" means a county, city, town, local district, special service district, or~~
1463 ~~interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.]~~

1464 ~~[(7) "Member" means a public agency which:]~~

1465 ~~[(a) adopts a membership resolution to be included within the authority; and]~~

1466 ~~[(b) submits an originally executed copy of an authorizing resolution to the authority's~~
1467 ~~office.]~~

1468 ~~[(8) "Member representative" means a person or that person's designee appointed by~~
1469 ~~the governing body of each member.]~~

1470 ~~[(9)]~~ (8) "Public agency" means any political subdivision of the state~~[, including cities,~~
1471 ~~towns, counties, school districts, local districts, and special service districts,]~~ dispatched by a
1472 public safety answering point.

1473 ~~[(10)]~~ (9) "Public safety answering point" or "PSAP" means an entity that:

1474 (a) receives, as a first point of contact, direct 911 emergency and nonemergency
1475 communications requesting a public safety service;

1476 (b) has a facility with the equipment and staff necessary to receive the communication;

1477 (c) assesses, classifies, and prioritizes the communication; and

1478 (d) ~~[transfers]~~ dispatches the communication to the proper responding agency.

1479 ~~[(11)]~~ (10) "Public safety communications network" means:

1480 (a) a regional or statewide public safety governmental communications network and
1481 related facilities, including real property, improvements, and equipment necessary for the
1482 acquisition, construction, and operation of the services and facilities; and

1483 (b) 911 emergency services, including radio communications, connectivity, and
1484 computer aided dispatch systems.

1485 [~~(12) "State" means the state of Utah.~~]

1486 [~~(13) "State representative" means the six appointees of the governor or their designees
1487 and the Utah State Treasurer or his designee.~~]

1488 Section 11. Section **63H-7a-201** is amended to read:

1489 **Part 2. Utah Communications Authority Governance**

1490 **63H-7a-201. Establishment of Utah Communications Authority.**

1491 (1) This part is known as [~~the~~] "Utah Communications Authority [~~and the Board~~]
1492 Governance."

1493 (2) There is established the Utah Communications Authority[, ~~formerly known as the~~
1494 ~~Utah Communications Agency Network, which shall assume the operations of the Utah~~
1495 ~~Communications Agency Network and shall perform the functions as provided in this chapter.~~

1496 ~~(3) The Utah Communications Authority is]~~ as an independent state agency and not a division
1497 within any other department of the state.

1498 [~~(4) The initial offices of the~~] (3) (a) The authority shall [be] maintain an office in Salt
1499 Lake County[, ~~but branches of the office may be established in other areas of the state upon~~
1500 approval of the board].

1501 (b) The authority may establish additional branch offices outside of Salt Lake County
1502 with the approval of the board.

1503 Section 12. Section **63H-7a-202** is amended to read:

1504 **63H-7a-202. Powers of the authority.**

1505 The authority [~~shall have~~] has the power to:

1506 (1) sue and be sued in [~~its~~] the authority's own name;

1507 (2) have an official seal and power to alter that seal at will;

1508 (3) make and execute contracts and all other instruments necessary or convenient for
1509 the performance of [~~its~~] the authority's duties and the exercise of [~~its~~] the authority's powers
1510 and functions under this chapter, including contracts with [~~private companies licensed under~~
1511 ~~Title 26, Chapter 8a, Utah Emergency Medical Services System Act~~] public and private
1512 providers;

1513 (4) own, acquire, design, construct, operate, maintain, repair, and dispose of any

1514 portion of a public safety communications network utilizing technology that is fiscally prudent,
1515 upgradable, technologically advanced, redundant, and secure;

1516 (5) borrow money and incur indebtedness;

1517 [~~(6) issue bonds as provided in this chapter;~~]

1518 [~~(7)~~] (6) enter into agreements with public agencies, private entities, the state, and
1519 federal government to provide public safety communications network services on terms and
1520 conditions [~~it~~] the authority considers to be in the best interest of [~~its members~~] the authority;

1521 [~~(8)~~] (7) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
1522 property or personal property in connection with the acquisition and construction of a public
1523 safety communications network and all related facilities and rights-of-way [~~which it~~] that the
1524 authority owns, operates, and maintains;

1525 (8) sell public safety communications network capacity to a state agency or a political
1526 subdivision of the state if the sale is:

1527 (a) for a public safety purpose; and

1528 (b) consistent with the authority's duties under this chapter;

1529 [~~(9) contract with other public agencies, the state, or federal government to provide~~
1530 ~~public safety communications network services in excess of those required to meet the needs or~~
1531 ~~requirements of its members and the state and federal government if:]~~

1532 [(a) ~~it is determined by the board to be necessary to accomplish the purposes and~~
1533 ~~realize the benefits of this chapter; and]~~

1534 [(b) ~~any excess is sold to other public agencies, the state, or federal government and is~~
1535 ~~sold on terms that assure:]~~

1536 [(i) ~~that the excess services will be used only for the purposes and benefits authorized~~
1537 ~~by the authority under Section ~~63H-7a-102~~; and]~~

1538 [(ii) ~~that the cost of providing the excess service will be received by the authority;~~]

1539 [~~(10) provide and maintain the public safety communications network for all state and~~
1540 ~~local governmental agencies:]~~

1541 [(a) ~~within the current authority network for the state and local governmental agencies~~
1542 ~~that currently subscribe to the authority; and]~~

1543 [(b) ~~in a manner that:]~~

1544 [(i) ~~promotes high quality, cost effective services; and]~~

1545 ~~[(ii) evaluates the benefits, costs, existing facilities and equipment, and services of~~
1546 ~~public and private providers;]~~

1547 ~~[(iii) where economically feasible, utilizes existing infrastructure to avoid duplication~~
1548 ~~of facilities, equipment, and services of providers of communication services.]~~

1549 ~~[(11) maintain the current VHF and 800 MHz radio networks;]~~

1550 ~~[(12)]~~ (9) review, approve, disapprove, or revise recommendations regarding the
1551 expenditure of funds ~~[under Sections 69-2-5.5 and 69-2-5.6 that are made by:]~~ disbursed by the
1552 authority under this chapter; and

1553 ~~[(a) the 911 Division;]~~

1554 ~~[(b) the Radio Network Division; and]~~

1555 ~~[(c) the Interoperability Division; and]~~

1556 ~~[(13)]~~ (10) perform all other duties authorized by this chapter.

1557 Section 13. Section **63H-7a-203** is amended to read:

1558 **63H-7a-203. Board established -- Terms -- Vacancies.**

1559 (1) There is created the [^]Utah Communications Authority Board.[^]

1560 (2) The board shall consist of ~~[the following individuals, who may not be employed by~~
1561 ~~the authority or any office or division of the authority:]~~ nine board members as follows:

1562 ~~[(a) the member representatives elected as follows:]~~

1563 ~~[(i) one representative elected from each county of the first and second class, who:]~~

1564 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1565 ~~[(B) has a leadership position with public safety communication experience;]~~

1566 ~~[(ii) one representative elected from each of the seven associations of government~~
1567 ~~who:]~~

1568 ~~[(A) is in law enforcement, fire service, or a public safety answering point; and]~~

1569 ~~[(B) has a leadership position with public safety communication experience;]~~

1570 ~~[(iii) one representative of the Native American tribes elected by the representative of~~
1571 ~~tribal governments listed in Subsection 9-9-104.5(2);]~~

1572 ~~[(iv) one representative elected by the Utah National Guard;]~~

1573 ~~[(v) one representative elected by an association that represents fire chiefs;]~~

1574 ~~[(vi) one representative elected by an association that represents sheriffs;]~~

1575 ~~[(vii) one representative elected by an association that represents chiefs of police; and]~~

1576 [~~(viii) one member elected by the 911 Advisory Committee created in Section~~
1577 ~~63H-7a-307;~~]
1578 [~~(b) seven state representatives appointed in accordance with Subsection (3); and]~~
1579 [~~(c) two members of the public selected as follows:]~~
1580 [~~(i) one member who:]~~
1581 [~~(A) may not have financial ties to a provider of telecommunication services;]~~
1582 [~~(B) may not have a relationship to a user of public safety telecommunications~~
1583 ~~services; and]~~
1584 [~~(C) is selected by the speaker of the House of Representatives; and]~~
1585 [~~(ii) one member who:]~~
1586 [~~(A) may not have financial ties to a provider of telecommunication services;]~~
1587 [~~(B) may not have a relationship to a user of public safety telecommunications~~
1588 ~~services; and]~~
1589 [~~(C) is selected by the president of the Senate:]~~
1590 [~~(3) (a) (i) Six of the state representatives shall be appointed by the governor, with two~~
1591 ~~of the positions having an initial term of two years, two having an initial term of three years,~~
1592 ~~and two having an initial term of four years:]~~
1593 [~~(ii) Successor state representatives shall each serve for a term of four years:]~~
1594 [~~(iii) The six governor-appointed state representatives shall consist of:]~~
1595 [~~(A) the executive director of the Utah Department of Transportation or the director's~~
1596 ~~designee;]~~
1597 [~~(B) the commissioner of public safety or the commissioner's designee;]~~
1598 [~~(C) the executive director of the Department of Natural Resources or the director's~~
1599 ~~designee;]~~
1600 [~~(D) the executive director of the Department of Corrections or the director's designee;]~~
1601 [~~(E) the chief information officer of the Department of Technology Services, or the~~
1602 ~~officer's designee; and]~~
1603 [~~(F) the executive director of the Department of Health or the director's designee.]~~
1604 [~~(b) The seventh state representative shall be the Utah State Treasurer or the treasurer's~~
1605 ~~designee;]~~
1606 [~~(c) A vacancy on the board for a state representative shall be filled for the unexpired~~

1607 term by the director of the department or the director's designee as described in Subsection
 1608 ~~(3)(a)(iii):~~]

1609 [~~(d) An employee of the authority may not be a member of the board.~~]

1610 (a) three individuals appointed by the governor with the advice and consent of the
 1611 Senate;

1612 (b) one individual appointed by the speaker of the House of Representatives;

1613 (c) one individual appointed by the president of the Senate;

1614 (d) two individuals nominated by an association that represents cities and towns in the
 1615 state and appointed by the governor with the advice and consent of the Senate; and

1616 (e) two individuals nominated by an association that represents counties in the state
 1617 and appointed by the governor with the advice and consent of the Senate.

1618 (3) Subject to this section, an individual is eligible for appointment under Section (2) if
 1619 the individual has knowledge of at least one of the following:

1620 (a) law enforcement;

1621 (b) public safety;

1622 (c) fire service;

1623 (d) telecommunications;

1624 (e) finance;

1625 (f) management; and

1626 (g) government.

1627 (4) An individual may not serve as a board member if the individual is a current public
 1628 safety communications network:

1629 (a) user; or

1630 (b) vendor.

1631 [~~(4)~~] (5) (a) (i) [One-half of the positions for member representatives selected] Five of
 1632 the board members appointed under Subsection (2) shall ~~[have]~~ serve an initial term of two
 1633 years and ~~[one-half of the positions shall have]~~ four of the board members appointed under
 1634 Subsection (2) shall serve an initial term of four years.

1635 [~~(ii) Successor member representatives of the board shall each serve for a term of four~~
 1636 ~~years, so that the term of office for six of the member representatives expires every two years.~~]

1637 ~~[(b) The member representatives of the board shall be removable, with or without~~

1638 cause, by the entity that selected the member. A vacancy on the board for a member
1639 representative shall be filled for the unexpired term by the entity the member represents.]

1640 (ii) Successor board members shall each serve a term of four years.

1641 (b) (i) The governor may remove a board member with cause.

1642 (ii) If the governor removes a board member the entity that appointed the board
1643 member under Subsection (2) shall appoint a replacement board member in the same manner as
1644 described in Subsection (2).

1645 [~~(5)~~] (6) (a) The governor shall, [in accordance with Subsection (5)(b) and] after
1646 consultation with the board, appoint [the] a board member as chair of the board with the advice
1647 and consent of the Senate. [The chair shall serve a two-year term and the appointment as chair
1648 will automatically extend the term of the board member to coincide with the appointment as
1649 chair.]

1650 [~~(b)~~] The governor shall make the initial selection of a chair from one of the members
1651 described in Subsection (2). After the initial selection of a chair, the governor shall alternate the
1652 selection of the chair between a local member described in Subsection (2)(a) and a state
1653 member described in Subsection (2)(b).]

1654 [~~(c)~~] The chair shall serve at the pleasure of the governor.]

1655 (b) The chair shall serve a two-year term.

1656 [~~(6)~~] (7) The board shall meet on an as-needed basis and as provided in the bylaws.

1657 [~~(7)~~] The board shall also elect a vice chair, secretary, and treasurer to perform those
1658 functions provided in the bylaws.]

1659 (8) (a) The board shall elect one of the board members to serve as vice chair [shall be a
1660 member of the board].

1661 (b) (i) The board may elect a secretary and treasurer [need not be] who are not
1662 members of the board[, but shall not have voting powers if they are not members of the board].

1663 (ii) If the board elects a secretary or treasurer who is not a member of the board, the
1664 secretary or treasurer does not have voting power.

1665 (c) [The] A separate individual shall hold the offices of chair, vice chair, secretary, and
1666 treasurer [shall be held by separate individuals].

1667 [~~(8)~~] Each member representative and state representative shall have one vote, including
1668 the chair, at all meetings of the board.]

1669 (9) Each board member, including the chair, has one vote.

1670 ~~[(9) A constitutional majority of the members of the board constitutes a quorum.]~~

1671 (10) A vote of a majority of the [quorum at any meeting of the] board members is

1672 necessary to take action on behalf of the board.

1673 ~~[(10)]~~ (11) A board member may not receive compensation for the member's service on

1674 the board, but may, in accordance with [administrative] rules adopted by the board in

1675 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, receive:

1676 (a) a per diem at the rate established under Section 63A-3-106; and

1677 (b) travel expenses at the rate established under Section 63A-3-107.

1678 Section 14. Section **63H-7a-204** is amended to read:

1679 **63H-7a-204. Board -- Powers and duties.**

1680 The board shall:

1681 (1) manage the affairs and business of the authority consistent with this chapter

1682 ~~[including adopting bylaws by a majority vote of its members];~~

1683 (2) adopt bylaws;

1684 ~~[(2)]~~ (3) appoint an executive director to administer the authority;

1685 ~~[(3)]~~ (4) receive and act upon reports covering the operations of the public safety

1686 communications network and funds administered by the authority;

1687 ~~[(4)]~~ (5) ensure that the public safety communications network and funds are

1688 administered according to law;

1689 ~~[(5)]~~ (6) examine and approve an annual operating budget for the authority;

1690 ~~[(6)]~~ (7) receive and act upon recommendations of the director;

1691 ~~[(7)]~~ (8) recommend to the governor and Legislature [any necessary or desirable

1692 changes in the statutes governing] legislation involving the public safety communications

1693 network;

1694 ~~[(8)]~~ (9) develop [broad] policies for the long-term operation of the authority [for] and

1695 the performance of [its] the authority's functions;

1696 ~~[(9) make and execute contracts and other instruments on behalf of the authority,~~

1697 ~~including agreements with members and other entities;]~~

1698 (10) authorize the executive director to enter into agreements on behalf of the

1699 authority;

1700 ~~[(10)]~~ (11) authorize the borrowing of money, the incurring of indebtedness, and the
1701 issuance of bonds as provided in this chapter;

1702 ~~[(11)]~~ (12) ~~[adopt rules consistent with this chapter and]~~ provide for the management
1703 and administration of the public safety communications network by rule made in accordance
1704 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~[- for the management of the~~
1705 ~~public safety communications network in order to carry out the purposes of this chapter, and~~
1706 ~~perform all other acts necessary for the administration of the public safety communications~~
1707 ~~network];~~

1708 ~~[(12)]~~ (13) exercise the powers and perform the duties conferred on ~~[it]~~ the board by
1709 this chapter;

1710 ~~[(13)]~~ (14) provide for audits of the authority; and

1711 ~~[(14)]~~ (15) establish the following divisions within the authority:

1712 (a) 911 Division;

1713 (b) Radio Network Division;

1714 (c) Interoperability Division; and

1715 (d) Administrative Services Division~~[-];~~

1716 ~~[(15) establish a 911 advisory committee to the 911 Division in accordance with~~
1717 ~~Section 63H-7a-307;]~~

1718 ~~[(16) establish one or more advisory committees to the Radio Network Division in~~
1719 ~~accordance with Section 63H-7a-405;]~~

1720 ~~[(17) establish one or more advisory committees to the Interoperability Division in~~
1721 ~~accordance with Section 63H-7a-504;]~~

1722 ~~[(18) create, maintain and review annually a statewide, comprehensive multi-year~~
1723 ~~strategic plan in consultation with state and local stakeholders, the 911 Advisory Committee~~
1724 ~~created under Section 63H-7a-307, the Radio Network Advisory Committee created under~~
1725 ~~Section 63H-7a-405, and the Interoperability Advisory Committee created under Section~~
1726 ~~63H-7a-504 that:]~~

1727 ~~[(a) coordinates the authority's activities and duties in the:]~~

1728 ~~[(i) 911 Division;]~~

1729 ~~[(ii) Radio Network Division;]~~

1730 ~~[(iii) Interoperability Division; and]~~

1731 [~~(iv) Administrative Services Division; and~~]
 1732 [~~(b) includes a plan for:~~]
 1733 [~~(i) the communications network;~~]
 1734 [~~(ii) developing new systems;~~]
 1735 [~~(iii) expanding existing systems, including microwave and fiber optics based~~
 1736 ~~systems;~~]
 1737 [~~(iv) statewide interoperability;~~]
 1738 [~~(v) statewide coordination; and~~]
 1739 [~~(vi) FirstNet standards; and~~]
 1740 [~~(c) the board updates before July 1 of each year;~~]
 1741 [~~(19) each year, after the board submits the strategic plan described in Subsection (18)~~
 1742 ~~to the Legislature, issue a request for proposals if a request for proposals is necessary to carry~~
 1743 ~~out the strategic plan; and~~]
 1744 [~~(20) on or before November 30, 2016, and on or before each November 30 thereafter,~~
 1745 ~~submit the state's strategic plan to the Executive Offices and Criminal Justice Appropriations~~
 1746 ~~Subcommittee and the Legislative Management Committee.]~~
 1747 Section 15. Section **63H-7a-205** is amended to read:
 1748 **63H-7a-205. Executive director -- Appointment -- Powers and duties.**
 1749 The executive director shall:
 1750 (1) (a) serve at the pleasure of the board; and
 1751 (b) act as the executive officer of the authority;
 1752 (2) administer the [~~various acts, systems, plans~~] duties, programs, and functions
 1753 assigned to the [~~office~~] authority;
 1754 (3) recommend administrative rules and policies to the board[, ~~which are within the~~
 1755 ~~authority granted by this title for the administration of the authority~~];
 1756 (4) execute contracts on behalf of the authority;
 1757 [~~(4)~~] (5) recommend to the board any changes in [~~the~~] statutes affecting the authority;
 1758 [~~(5)~~] (6) recommend to the board an annual administrative budget covering
 1759 administration, management, and operations of the [~~public safety communications network~~
 1760 ~~and, upon approval of the board, direct and control the subsequent expenditures of the budget;~~]
 1761 authority;

- 1762 (7) with board approval, direct and control authority expenditures;
1763 ~~[(6)]~~ (8) within the limitations of the budget, employ [staff] personnel, consultants, a
1764 financial officer, and legal counsel to provide professional services and advice regarding the
1765 administration of the authority; and
1766 ~~[(7)]~~ (9) submit [an annual report, on or before November 1 of each year, to the
1767 Executive Offices and] and make available to the public a report before December of each year
1768 to the board, the Executive Offices and Criminal Justice Appropriations Subcommittee, and the
1769 Legislative Management Committee[; which shall be available to the public and shall include]
1770 that includes:
1771 (a) the total aggregate surcharge collected by ~~[local entities in]~~ the state in the last
1772 fiscal year under ~~[Sections 69-2-5 and 69-2-5.6]~~ Title 69, Chapter 2, Part 4, 911 Emergency
1773 Service Charges;
1774 (b) the amount of each disbursement from the restricted accounts~~;~~ described in:
1775 (i) Section 63H-7a-303;
1776 (ii) Section 63H-7a-304; and
1777 (iii) Section 63H-7a-403;
1778 (c) the recipient of each disbursement, ~~[or]~~ the goods and services received,
1779 [describing] and a description of the project [for which money was disbursed, or goods and
1780 services provided] funded by the disbursement;
1781 (d) ~~[the conditions, if any, placed by a division, the authority, the executive director, or~~
1782 ~~the board on]~~ any conditions placed by the authority on the disbursements from a restricted
1783 account;
1784 (e) the anticipated expenditures from the restricted accounts described in this chapter
1785 for the next fiscal year;
1786 (f) the amount of any unexpended funds carried forward;
1787 (g) the goals for implementation of the authority strategic plan and the progress report
1788 of accomplishments and updates to the plan~~;~~ and a progress report of implementation of
1789 statewide 911 emergency services, including:]; and
1790 ~~[(i) fund balance or balance sheet from the emergency telephone service fund of each~~
1791 ~~agency that has imposed a levy under Section 69-2-5;]~~
1792 ~~[(ii) a report from each public safety answering point of annual call activity separating~~

1793 ~~wireless and land-based 911 call volumes; and]~~

1794 [(iii)] (h) other relevant justification for ongoing support from the restricted accounts
1795 created by Sections [63H-7a-303](#), [63H-7a-304](#), and [63H-7a-403](#) ~~[, and]~~.

1796 ~~[(h) the anticipated expenditures from the restricted accounts.]~~

1797 Section 16. Section **63H-7a-206** is repealed and reenacted to read:

1798 **63H-7a-206. Strategic plan.**

1799 (1) The authority shall create, maintain and review annually a statewide,
1800 comprehensive multiyear strategic plan in consultation with state and local stakeholders and
1801 the regional advisory committees created in Section [63H-7a-207](#) that:

1802 (a) coordinates the authority's activities and duties in the:

1803 (i) 911 Division;

1804 (ii) Radio Network Division;

1805 (iii) Interoperability Division; and

1806 (iv) Administrative Services Division; and

1807 (b) includes a plan for:

1808 (i) the public safety communications network;

1809 (ii) developing new systems;

1810 (iii) expanding existing systems, including microwave and fiber optics based systems;

1811 (iv) statewide interoperability;

1812 (v) statewide coordination; and

1813 (vi) FirstNet standards.

1814 (2) The executive director shall update the strategic plan described in Subsection (1)
1815 before July 1 of each year.

1816 (3) The executive director shall, before December 1 of each year, report on the strategic
1817 plan described in Subsection (1) to:

1818 (a) the board;

1819 (b) the Executive Offices and Criminal Justice Appropriations Subcommittee; and

1820 (c) the Legislative Management Committee.

1821 (4) The authority shall consider the strategic plan described in Subsection (1) before
1822 spending funds in the restricted accounts created by this chapter.

1823 Section 17. Section **63H-7a-207** is enacted to read:

1824 **63H-7a-207. Operations advisory committee.**

1825 (1) The board shall appoint an operations advisory committee composed of 19
1826 members as follows:

1827 (a) one representative each from:

1828 (i) an association that represents fire chiefs in the state;

1829 (ii) an association that represents police chiefs in the state;

1830 (iii) an association that represents sheriffs in the state;

1831 (iv) an association that represents emergency medical service personnel in the state;

1832 and

1833 (v) an association that represents public safety answering point professionals in the
1834 state;

1835 (b) the commissioner of public safety or the commissioner's designee;

1836 (c) the executive director of the Department of Transportation or the executive
1837 director's designee;

1838 (d) the chief information officer of the Department of Technology Services or the chief
1839 information officer's designee;

1840 (e) the chair of each regional advisory committee created in Section [63H-7a-208](#);

1841 (f) an individual nominated by the representatives of tribal governments elected under
1842 Section [9-9-104.5](#); and

1843 (g) three individuals from the telecommunications or public safety communications
1844 industry.

1845 (2) The operations advisory committee shall:

1846 (a) review recommendations from the regional advisory committees described in
1847 Section [63H-7a-208](#); and

1848 (b) make recommendations to the board regarding:

1849 (i) the authority operations and policies;

1850 (ii) the authority strategic plan; and

1851 (iii) the operation, maintenance, and capital development of the public safety
1852 communications network.

1853 (3) The operations advisory committee shall report to the board:

1854 (a) at least once each year; and

1855 (b) as often as necessary.

1856 Section 18. Section **63H-7a-208** is enacted to read:

1857 **63H-7a-208. Regional advisory committees.**

1858 (1) There are established seven regional advisory committees composed of at most 12
1859 members each, with one regional advisory committee each for:

1860 (a) the region composed of Box Elder, Cache, and Rich counties;

1861 (b) the region composed of Beaver, Garfield, Iron, Kane, and Washington counties;

1862 (c) the region composed of Summit, Utah, and Wasatch counties;

1863 (d) the region composed of Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties;

1864 (e) the region composed of Carbon, Emery, Grand, and San Juan counties;

1865 (f) the region composed of Daggett, Duchesne, and Uintah counties; and

1866 (g) the region composed of Davis, Weber, Morgan, Salt Lake, and Tooele counties.

1867 (2) For each regional advisory committee described in Subsection (1), an association of
1868 governments representing the region served by the regional advisory committee shall appoint
1869 members to the regional advisory committee in accordance with Subsection (3).

1870 (3) An association of governments may appoint an individual to a regional advisory
1871 committee if the individual:

1872 (a) is at least one of the following:

1873 (i) a user of:

1874 (A) the statewide public safety communications network; or

1875 (B) a public safety radio system;

1876 (ii) an individual with experience:

1877 (A) in law enforcement;

1878 (B) in fire service; or

1879 (C) at a public safety answering point; or

1880 (iii) an individual in a leadership position that involves public safety communication;

1881 and

1882 (b) is knowledgeable about the region of the state served by the regional advisory
1883 committee.

1884 (4) In addition to the individuals appointed under Subsection (3), each association of
1885 government shall appoint to each regional advisory committee at least one and up to two

1886 individuals that represent the telecommunications or public safety communications industry.

1887 (5) Each regional advisory committee shall review, discuss, and make

1888 recommendations to the executive director regarding:

1889 (a) the public safety communications network;

1890 (b) the interoperability of emergency response systems;

1891 (c) the trends and standards in the public safety industry and in public safety

1892 technology;

1893 (d) the statewide strategic plan described in Section [63H-7a-206](#); and

1894 (e) the development of cooperative partnerships.

1895 (6) Each regional advisory committee shall meet:

1896 (a) as necessary to discuss the items described in Subsection (5); and

1897 (b) no fewer than two times in each year.

1898 (7) Each regional advisory committee shall report to the board:

1899 (a) before September 1 at least once each year regarding:

1900 (i) the regional advisory committee's findings during the year; and

1901 (ii) any recommendations from the regional advisory committee to the board; and

1902 (b) at any board meeting at which the regional advisory committee requests an

1903 opportunity to report to the board.

1904 Section 19. Section **63H-7a-302** is amended to read:

1905 **63H-7a-302. 911 Division duties and powers.**

1906 (1) The 911 Division shall:

1907 [~~(a) review and make recommendations to the executive director;~~]

1908 [~~(i) regarding;~~]

1909 [~~(A)~~] (a) develop and report to the director minimum standards and best practices for

1910 public safety answering points in the state, including minimum technical, administrative, fiscal,

1911 network, and operational standards [for the implementation of unified statewide 911

1912 emergency services] for public safety answering points and dispatch centers in the state;

1913 [~~(B)~~] (b) investigate and report to the director on emerging technology; [and]

1914 [~~(C)~~] expenditures from the restricted accounts created in Section [69-2-5.6](#) by the 911

1915 Division on behalf of local public safety answering points in the state, with an emphasis on

1916 efficiencies and coordination in a regional manner;]

1917 ~~[(ii) to assure]~~ (c) monitor and coordinate the implementation of [a] the unified
1918 statewide 911 emergency services network;
1919 ~~[(iii) to establish standards of operation throughout the state; and]~~
1920 ~~[(iv) regarding]~~ (d) investigate and recommend to the director mapping systems and
1921 technology necessary to implement the unified statewide 911 emergency services network;
1922 ~~[(b)]~~ (e) prepare and submit to the executive director for approval by the board:
1923 (i) an annual budget for the 911 Division;
1924 (ii) an annual plan for the ~~[programs]~~ projects funded by the Computer Aided Dispatch
1925 Restricted Account created in Section [63H-7a-303](#) and the Unified Statewide 911 Emergency
1926 Service Account created in Section [63H-7a-304](#); and
1927 (iii) information required by the director to contribute to the ~~[comprehensive]~~ strategic
1928 plan described in ~~[Subsection 63H-7a-204(18)]~~ Section [63H-7a-206](#);
1929 ~~[(c) assist local Utah public safety answering points with the implementation and~~
1930 ~~coordination of the 911 Division responsibilities as approved by the executive director and the~~
1931 ~~board;]~~
1932 ~~[(d) reimburse the state's Automated Geographic Reference Center in the Division of~~
1933 ~~Integrated Technology of the Department of Technology Services, an amount equal to 1 cent~~
1934 ~~per month levied on telecommunications service under Section [69-2-5.6](#) to enhance and~~
1935 ~~upgrade digital mapping standards for unified statewide 911 emergency service as required by~~
1936 ~~the division; and]~~
1937 ~~[(e) fulfill all other duties imposed on the 911 Division by this chapter.]~~
1938 (f) assist public safety answering points implementing and coordinating the unified
1939 statewide 911 emergency services network; and
1940 (g) coordinate the development of an interoperable computer aided dispatch platform:
1941 (i) for public safety answering points; and
1942 (ii) where needed, to assist public safety answering points with the creation or
1943 integration of the interoperable computer aided dispatch system.
1944 (2) The 911 Division may recommend to the executive director to sell, lease, or
1945 otherwise dispose of equipment or personal property purchased, leased, or belonging to the
1946 authority that is related to funds expended from the ~~[restricted account created in Sections~~
1947 ~~[69-2-5.5](#) and [69-2-5.6](#)]~~ Computer Aided Dispatch Restricted Account created in Section

1948 [63H-7a-303](#) or the Unified Statewide 911 Emergency Service Account created in Section
1949 [63H-7a-304](#), the proceeds from which shall return to the respective restricted accounts.

1950 (3) The 911 Division may make recommendations to the executive director [~~to own,~~
1951 ~~operate, or enter into contracts~~] for the use of the funds expended from the [~~restricted account~~
1952 ~~created in Section [69-2-5.5](#)~~] Computer Aided Dispatch Restricted Account created in Section
1953 [63H-7a-303](#).

1954 (4) (a) The 911 Division shall review information regarding:

1955 (i) in aggregate, the number of service subscribers by service type in a political
1956 subdivision;

1957 (ii) network costs;

1958 (iii) public safety answering point costs;

1959 (iv) system engineering information; and

1960 (v) [~~a~~] connectivity between public safety answering point computer aided dispatch
1961 [system] systems.

1962 (b) In accordance with Subsection (4)(a) the 911 Division may request:

1963 (i) information as described in Subsection (4)(a)(i) from the State Tax Commission;
1964 and

1965 (ii) information from public safety answering points related to the computer aided
1966 dispatch system.

1967 (c) The information requested by and provided to the 911 Division under Subsection
1968 (4) is a protected record in accordance with Section [63G-2-305](#).

1969 (5) The 911 Division shall recommend to the executive director, for approval by the
1970 board, rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

1971 (a) administer the program funded by the Unified Statewide 911 Emergency Service
1972 restricted account created in Section [63H-7a-304](#), including rules that establish the criteria,
1973 standards, technology, and equipment that a public safety answering point [~~in Utah must~~] is
1974 required to adopt in order to qualify for goods or services that are funded from the restricted
1975 account; and

1976 (b) administer the Computer Aided Dispatch Restricted Account created in Section
1977 [63H-7a-303](#), including rules that establish the criteria, standards, technology, and equipment

1978 that a public safety answering point [~~must~~] is required to adopt in order to qualify as a recipient

1979 of goods or services that are funded from the restricted account.

1980 (6) The board may authorize the 911 Division to employ an outside consultant to study
1981 and advise the division on matters related to the 911 Division duties regarding the public safety
1982 communications network.

1983 (7) This section does not expand the authority of the State Tax Commission to request
1984 additional information from a telecommunication service provider.

1985 Section 20. Section **63H-7a-303** is amended to read:

1986 **63H-7a-303. Computer Aided Dispatch Restricted Account -- Creation --**

1987 **Administration -- Permitted uses.**

1988 (1) There is created a restricted account within the General Fund known as the
1989 "Computer Aided Dispatch Restricted Account," consisting of:

1990 [~~(a) proceeds from the fee imposed in Section 69-2-5.5;~~]

1991 [~~(b)~~] (a) money appropriated or otherwise made available by the Legislature; and

1992 [~~(c)~~] (b) contributions of money from federal agencies, political subdivisions of the
1993 state, persons, or corporations.

1994 [~~(2) The money in this restricted account shall be used exclusively for the following
1995 statewide public purposes:~~]

1996 (2) Subject to this Subsection (2) and appropriations by the Legislature, the authority
1997 may expend funds in the Computer Aided Dispatch Restricted Account for the following
1998 purposes:

1999 (a) enhancing public safety as provided in this chapter; and

2000 (b) creating a shared computer aided dispatch system including:

2001 (i) an interoperable computer aided dispatch platform that will be selected, shared, or
2002 hosted on a statewide or regional basis;

2003 (ii) an interoperable computer aided dispatch platform selected by a county of the first
2004 class, when:

2005 (A) authorized through an interlocal agreement between the county's two primary
2006 public safety answering points; and

2007 (B) the county's computer aided dispatch platform is capable of interfacing with the
2008 platform described in Subsection (2)(b)(i); and

2009 (iii) a statewide computer aided dispatch system data sharing platform to provide

2010 interoperability of systems.

2011 ~~[(3) (a) The 911 Division shall coordinate the development of an interoperable CAD to~~
2012 ~~CAD platform:]~~

2013 ~~[(i) for public safety answering points; and]~~

2014 ~~[(ii) where needed, to assist public safety answering points with the creation or~~
2015 ~~integration of the interoperable computer aided dispatch system:]~~

2016 ~~[(b) The Administrative Services Division shall, in accordance with Section~~
2017 ~~63H-7a-602:]~~

2018 ~~[(i) annually report to the executive director the 911 Division's authorized~~
2019 ~~disbursements from the restricted account;]~~

2020 ~~[(ii) be responsible for the care, custody, safekeeping, collection, and accounting for~~
2021 ~~disbursements; and]~~

2022 ~~[(iii) submit an annual report to the executive director, which shall include:]~~

2023 ~~[(A) the amount of each disbursement from the restricted account;]~~

2024 ~~[(B) the recipient of each disbursement and a description of the project for which~~
2025 ~~money was disbursed;]~~

2026 ~~[(C) the conditions, if any, placed by the 911 Division, the board, or the Administrative~~
2027 ~~Services Division on disbursements from the amount appropriated from the restricted account;]~~

2028 ~~[(D) the planned expenditures from the restricted account for the next fiscal year; and]~~

2029 ~~[(E) the amount of any unexpended funds carried forward.]~~

2030 ~~[(4) (a) The Administrative Services Division may request information from a public~~
2031 ~~safety answering point as necessary to prepare the report required by this section.]~~

2032 ~~[(b) A recipient of goods or services under this section shall provide the information~~
2033 ~~requested pursuant to Subsection (4)(a).]~~

2034 ~~[(5) Subject to appropriation, the Administrative Services Division, created in Section~~
2035 ~~63H-7a-601, may charge the administrative costs incurred in discharging the responsibilities~~
2036 ~~imposed by this section.]~~

2037 ~~[(6) Subject to an annual legislative appropriation from the restricted account to the~~
2038 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~
2039 ~~money in the fund, based on the authorization of the board and the 911 Division under~~
2040 ~~Subsection 63H-7a-302(5).]~~

2041 (3) Subject to an appropriation by the Legislature and approval by the board, the
2042 Administrative Services Division may expend funds from the Computer Aided Dispatch
2043 Restricted Account to cover the Administrative Services Division's administrative costs related
2044 to the Computer Aided Dispatch Restricted Account.

2045 (4) On July 1, 2022, all funds in the Computer Aided Dispatch Restricted Account
2046 shall automatically transfer to the Unified Statewide 911 Emergency Service Account created
2047 in Section [63H-7a-304](#).

2048 Section 21. Section **63H-7a-304** is amended to read:

2049 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
2050 **Administration -- Permitted uses.**

2051 (1) There is created a restricted account within the General Fund known as the "Unified
2052 Statewide 911 Emergency Service Account," consisting of:

- 2053 (a) proceeds from the fee imposed in Section [~~69-2-5.6~~] [69-2-403](#);
- 2054 (b) money appropriated or otherwise made available by the Legislature; and
- 2055 (c) contributions of money, property, or equipment from federal agencies, political
2056 subdivisions of the state, persons, or corporations.

2057 [~~(2) The money in this restricted account shall be used exclusively for the statewide~~
2058 ~~public]~~

2059 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and
2060 appropriations by the Legislature, the authority may disburse funds in the Unified Statewide
2061 911 Emergency Service Account for the purpose of enhancing the statewide public safety
2062 communications network [~~related to the rapid and efficient delivery of~~] in order to rapidly and
2063 efficiently deliver 911 services in the state.

2064 (b) In expending funds in the Unified Statewide 911 Emergency Service Account, the
2065 authority shall give a higher priority to an expenditure that:

- 2066 (i) best promotes statewide public safety;
- 2067 (ii) best promotes interoperability;
- 2068 (iii) impacts the largest service territory;
- 2069 (iv) impacts a densely populated area; or
- 2070 (v) impacts an underserved area.

2071 (c) The authority shall expend funds in the Unified Statewide 911 Emergency Service

2072 Account in accordance with the authority strategic plan described in Section 63H-7a-206.

2073 (d) The executive director shall recommend to the board expenditures for the authority
2074 to make from the Unified Statewide 911 Emergency Service Account in accordance with this
2075 Subsection (2).

2076 (3) Subject to an [annual legislative] appropriation [from the restricted account to the
2077 Administrative Services Division] by the Legislature and approval by the board, the
2078 Administrative Services Division [shall disburse the money] may use funds in the [fund, based
2079 on the authorization of the board and the 911 Division under Subsection 63H-7a-302(5).]
2080 Unified Statewide 911 Emergency Service Account to cover the Administrative Services
2081 Division's administrative costs related to the Unified Statewide 911 Emergency Service
2082 Account.

2083 (4) (a) The authority shall reimburse from the Unified Statewide 911 Emergency
2084 Service Account to the Automated Geographic Reference Center created in Section 63F-1-506
2085 an amount equal to up to 1 cent of each unified statewide 911 emergency service charge
2086 deposited into the Unified Statewide 911 Emergency Service Account under Section 69-2-403.

2087 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the
2088 Automated Geographic Reference Center under Subsection (4)(a) to:

- 2089 (i) enhance and upgrade digital mapping standards; and
- 2090 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
2091 service.

2092 Section 22. Section 63H-7a-403 is amended to read:

2093 **63H-7a-403. Utah Statewide Radio System Restricted Account -- Creation --**
2094 **Administration.**

2095 (1) There is created a restricted account within the General Fund known as the "Utah
2096 Statewide Radio System Restricted Account," consisting of:

- 2097 (a) money appropriated or otherwise made available by the Legislature; and
- 2098 (b) contributions of money from federal agencies, political subdivisions of the state,
2099 persons, or corporations.

2100 ~~[(2) The money in this restricted account shall be used exclusively for the statewide]~~

2101 (2) (a) Subject to appropriations by the Legislature and subject to this Subsection (2),
2102 the authority may expend funds in the Utah Statewide Radio System Restricted Account for the

2103 purpose of acquiring, constructing, operating, maintaining, and repairing a statewide radio
2104 system public safety communications network as authorized in Section [63H-7a-202](#), including:

2105 ~~[(a)]~~ (i) public safety communications network and related facilities, real property,
2106 improvements, and equipment necessary for the acquisition, construction, and operation of
2107 services and facilities;

2108 ~~[(b)]~~ (ii) installation, implementation, and maintenance of the public safety
2109 communications network;

2110 ~~[(c)]~~ (iii) maintaining ~~[the]~~ and upgrading VHF and 800 MHz radio networks; and

2111 ~~[(d)]~~ (iv) an operating budget to include personnel costs not otherwise covered by
2112 funds from another account.

2113 (b) For each radio network charge that is deposited into the Utah Statewide Radio
2114 System Restricted Account under Section [69-2-404](#), the authority shall spend, subject to an
2115 appropriation by the Legislature and this Subsection (2):

2116 (i) on and after July 1, 2017, 18 cents of each total radio network charge to maintain
2117 the public safety communications network, including:

2118 (A) the 800 MHz and VHF radio networks;

2119 (B) radio console network connectivity;

2120 (C) funding a statewide interoperability coordinator; and

2121 (D) supplementing costs formerly offset by public safety communications network user
2122 fees assessed by the authority before July 1, 2017; and

2123 (ii) on and after January 1, 2018, 34 cents of each total radio network charge to acquire,
2124 construct, equip, and install property for, and to make improvements to, the 800 MHz radio
2125 system, including debt service costs.

2126 (c) In expending funds in the Utah Statewide Radio System Restricted Account, the
2127 authority shall give a higher priority to an expenditure that:

2128 (i) best promotes statewide public safety;

2129 (ii) best promotes interoperability;

2130 (iii) impacts the largest service territory;

2131 (iv) impacts a densely populated area; or

2132 (v) impacts an underserved area.

2133 (d) The authority shall expend funds in the Utah Statewide Radio System Restricted

2134 Account in accordance with the authority strategic plan described in Section 63H-7a-206.

2135 (e) The executive director shall recommend to the board expenditures for the authority
 2136 to make from the Utah Statewide Radio System Restricted Account in accordance with this
 2137 Subsection (2).

2138 (3) ~~[(a)]~~ Subject to ~~[appropriation]~~ appropriations by the Legislature, the
 2139 Administrative Services Division~~[, created in Section 63H-7a-601 may charge the]~~ may expend
 2140 funds in the Utah Statewide Radio System Restricted Account for administrative costs
 2141 [incurred in discharging the responsibilities imposed by this section] that the Administrative
 2142 Services Division incurs related to the Utah Statewide Radio System Restricted Account.

2143 ~~[(b) Subject to an annual legislative appropriation from the restricted account to the~~
 2144 ~~Administrative Services Division, the Administrative Services Division shall disburse the~~
 2145 ~~money in the fund, based on the authorization of the board and the Radio Network Division~~
 2146 ~~under Subsection 63H-7a-402(1)(d).]~~

2147 Section 23. Section 63H-7a-404 is amended to read:

2148 **63H-7a-404. Public safety communications network -- Maintenance -- Upgrade --**
 2149 **Comprehensive plan -- Stakeholder meeting -- Report.**

2150 (1) The Radio Network Division shall ~~[(a) (i)]~~ administer the development,
 2151 installation, implementation, and maintenance of the ~~[Utah Statewide Public Safety~~
 2152 ~~Communications network system]~~ public safety communications network for the authority~~[:];~~,
 2153 for the benefit of state government entities and political subdivisions of the state that use the
 2154 public safety communications network.

2155 ~~[(ii) spend up to \$1,500,000 of the one-time appropriation in fiscal year 2015-16 for a~~
 2156 ~~study, the scope of which shall be determined by the board based on the advice of the Radio~~
 2157 ~~Network Division, the 911 Division, and the executive director, to complete a detailed design~~
 2158 ~~and planning proposal for the upgrade and expansion of all phases of the public safety~~
 2159 ~~communication network, which shall include at least:]~~

2160 ~~[(A) the system design for the state backbone and the implications of local coverage;]~~

2161 ~~[(B) whether other public safety communications networks can be integrated with the~~
 2162 ~~state backbone;]~~

2163 ~~[(C) estimates of the full cost of completing the state backbone to specified standards,~~
 2164 ~~local subsystems, and the potential advantages of using a request for proposal approach to~~

2165 solicit private and public sector participation in the project;]

2166 [~~(D)~~ a financial analysis estimating funds necessary to cover debt service of revenue
2167 bonds issued to finance the cost of completing the statewide radio system upgrade and
2168 expansion; and]

2169 [~~(E)~~ a review of the project governance and implementation; and]

2170 [~~(iii)~~ spend the remainder of the one-time appropriation in the 2015-16 fiscal year:]

2171 [~~(A)~~ for exigent circumstances related to the public safety communications network;]

2172 [~~(B)~~ to purchase dispatch radio consoles; and]

2173 [~~(C)~~ for other needs identified within the detailed design proposal.]

2174 [~~(b)~~ The one-time appropriation in the 2015-16 fiscal year to the Radio Network
2175 Division is non-lapsing.]

2176 [~~(c) (i)~~ When the study under Subsection (1)(a) is complete, the board shall report to
2177 the Legislative Executive Appropriations Committee, which shall study appropriate funding
2178 mechanisms for upgrade and maintenance of the statewide radio system network:]

2179 [~~(ii)~~ The division shall annually report to the executive director and the board the
2180 Radio Network Division's authorized disbursements from the restricted account.]

2181 [~~(2)~~ Current radio user fees imposed by the authority may be repealed on July 1, 2016,
2182 contingent upon an ongoing funding source being established for the construction of a new
2183 public safety communications network and the operation and maintenance of the authority.]

2184 [~~(3)~~ In accordance with Section 63H-7a-603, the Administrative Services Division is
2185 responsible for the care, custody, safekeeping, collection, and accounting for disbursements
2186 from the Utah Statewide Radio System Restricted Account and shall submit an annual report to
2187 the executive director for approval by the board.]

2188 (2) In developing and maintaining the public safety communications network as
2189 described in Subsection (1), the Radio Network Division shall:

2190 (a) maintain and upgrade existing VHF and 800 MHz radio networks;

2191 (b) coordinate with state government entities, political subdivisions of the state, and
2192 public and private providers; and

2193 (c) contract for facilities, equipment, and services for the public safety communications
2194 network in a manner that:

2195 (i) complies with Title 63G, Chapter 6a, Utah Procurement Code;

2196 (ii) promotes high-quality, cost-effective services for public safety communications
2197 network users;

2198 (iii) evaluates the costs and benefits of using existing public or private facilities,
2199 equipment, or services or developing or establishing new facilities, equipment, or services;

2200 (iv) where economically beneficial without compromising quality or reliability of
2201 service, avoids duplicating existing private or public facilities, equipment, or services; and

2202 (v) considers the plan developed under Subsection (3).

2203 (3) The Radio Network Division and the executive director shall, before January 15,
2204 2018, meet with all public safety communications network stakeholders, including public and
2205 private providers in the state, to:

2206 (a) identify the locations and functional capabilities of existing public and private
2207 communications facilities in the state; and

2208 (b) develop a detailed, comprehensive plan for:

2209 (i) repairing and maintaining the existing public safety communications network; and

2210 (ii) upgrading the public safety communications network.

2211 (4) The plan described in Subsection (3) shall include:

2212 (a) a statewide system design;

2213 (b) anticipated coverage maps;

2214 (c) any public and private communications facilities that can be integrated with the
2215 public safety communications network; and

2216 (d) a detailed cost estimate for maintaining or upgrading the public safety
2217 communications network.

2218 (5) In addition to meeting with stakeholders under Subsection (3), the authority shall
2219 issue a request for information for maintaining or upgrading the public safety communications
2220 network such that the authority receives all request for information responses before January
2221 15, 2018.

2222 Section 24. Section **63H-7a-502** is amended to read:

2223 **63H-7a-502. Interoperability Division duties.**

2224 (1) The Interoperability Division shall:

2225 (a) review and make recommendations to the executive director, for approval by the
2226 board, regarding:

- 2227 (i) statewide interoperability coordination and FirstNet standards;
- 2228 (ii) technical, administrative, fiscal, technological, network, and operational issues for
2229 the implementation of statewide interoperability, coordination, and FirstNet;
- 2230 (iii) assisting [~~local~~] public agencies with the implementation and coordination of the
2231 Interoperability Division responsibilities; and
- 2232 (iv) training for the public safety communications network and unified statewide 911
2233 emergency services;
- 2234 (b) review information and records regarding:
- 2235 (i) aggregate information of the number of service subscribers by service type in a
2236 political subdivision;
- 2237 (ii) matters related to statewide interoperability coordination;
- 2238 (iii) matters related to FirstNet including advising the governor regarding FirstNet; and
- 2239 (iv) training needs;
- 2240 (c) prepare and submit to the executive director for approval by the board:
- 2241 (i) an annual plan for the Interoperability Division; and
- 2242 (ii) information required by the director to contribute to the comprehensive strategic
2243 plan described in [~~Subsection~~] Section 63H-7a-204~~(18)~~; and
- 2244 (d) fulfill all other duties imposed on the Interoperability Division by this chapter.
- 2245 (2) The Interoperability Division may:
- 2246 (a) recommend to the executive director to own, operate, or enter into contracts related
2247 to statewide interoperability, FirstNet, and training;
- 2248 (b) request information needed under Subsection (1)(b)(i) from:
- 2249 (i) the State Tax Commission; and
- 2250 (ii) public safety agencies; and
- 2251 (c) employ an outside consultant to study and advise the Interoperability Division on:
- 2252 (i) issues of statewide interoperability;
- 2253 (ii) FirstNet; and
- 2254 (iii) training~~[-and]~~;
- 2255 ~~[(d) request the board to appoint an advisory committee in accordance with Section~~
2256 ~~63H-7a-504.]~~
- 2257 (3) The information requested by and provided to the Interoperability Division under

2258 Subsection (1)(b)(i) is a protected record in accordance with Section [63G-2-305](#).

2259 (4) This section does not expand the authority of the State Tax Commission to request
2260 additional information from a telecommunication service provider.

2261 Section 25. Section **63H-7a-601** is amended to read:

2262 **63H-7a-601. Administrative Services Division -- Creation -- Legal services.**

2263 (1) This part is known as ~~the~~ "Administrative Services Division."

2264 (2) There is created within the authority the Administrative Services Division.

2265 (3) The Administrative Services Division shall provide financial and human resources
2266 assistance to the authority under the direction of the board and the executive director.

2267 (4) At the board's request and with the board's approval, the Administrative Services
2268 Division ~~shall~~ may establish or contract for legal services for the authority.

2269 Section 26. Section **63H-7a-602** is repealed and reenacted to read:

2270 **63H-7a-602. Duties -- Administrative Services Division -- Accounting for**
2271 **authority disbursements.**

2272 The Administrative Services Division is responsible for the care, custody, safekeeping,
2273 collection, and accounting for disbursements made by the authority under:

2274 (1) Section [63H-7a-303](#);

2275 (2) Section [63H-7a-304](#); and

2276 (3) Section [63H-7a-403](#).

2277 Section 27. Section **63H-7a-603** is amended to read:

2278 **63H-7a-603. Financial officer -- Duties.**

2279 (1) The executive director shall appoint a financial officer for the Administrative
2280 Services Division with the approval of the board.

2281 (2) The financial officer shall be responsible for accounting for the authority,
2282 including:

2283 (a) safekeeping and investment of public funds of the authority, including the funds
2284 expended from the restricted accounts created in [~~Sections 69-2-5.5, 69-2-5.6, 69-2-5.7, and~~
2285 [69-2-5.8](#)] this chapter;

2286 (b) the proper collection, deposit, disbursement, and management of the public funds
2287 of the authority in accordance with Title 51, Chapter 7, State Money Management Act;

2288 (c) having authority to sign all bills payable, notes, checks, drafts, warrants, or other

2289 negotiable instruments in the absence of the executive director and the executive director's
2290 designated employee;

2291 (d) providing to the board and the executive director a statement of the condition of the
2292 finances of the authority, at least annually and at such other times as shall be requested by the
2293 board; and

2294 (e) performing all other duties incident to the financial officer.

2295 ~~[(2)]~~ (3) The financial officer shall:

2296 (a) be bonded in an amount established by the State Money Management Council; and

2297 (b) file written reports with the State Money Management Council pursuant to Section
2298 [51-7-15](#).

2299 Section 28. Section **63H-7a-701** is repealed and reenacted to read:

2300 **Part 7. Investment of Authority Funds**

2301 **63H-7a-701. Investment of authority funds.**

2302 (1) The state treasurer shall invest all money held on deposit by or on behalf of the
2303 authority.

2304 (2) The board may provide advice to the state treasurer concerning investment of the
2305 money of the authority.

2306 Section 29. Section **63H-7a-803** is amended to read:

2307 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

2308 (1) The Utah Communications Authority is exempt from:

2309 (a) Title 63A, Utah Administrative Services Code, except as provided in Section
2310 [63A-4-205.5](#);

2311 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

2312 ~~[(c) Title 63J, Chapter 1, Budgetary Procedures Act; and]~~

2313 ~~[(d)]~~ (c) Title 67, Chapter 19, Utah State Personnel Management Act.

2314 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
2315 human resource policies substantially similar to those from which they have been exempted in
2316 Subsection (1).

2317 (b) The authority, the board, and the committee members are subject to Title 67,
2318 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

2319 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

- 2320 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.
- 2321 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act.
- 2322 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the administration may
- 2323 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).
- 2324 Section 30. Section **63I-1-269** is amended to read:
- 2325 **63I-1-269. Repeal dates, Title 69.**
- 2326 Section [~~69-2-5-6~~] [69-2-403](#), emergency services telecommunications charge to fund
- 2327 unified statewide 911 emergency service, is repealed July 1, 2021.
- 2328 Section 31. Section **63I-2-263** is amended to read:
- 2329 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 2330 (1) Section [63A-5-227](#) is repealed on January 1, 2018.
- 2331 (2) Section [63H-7a-303](#) is repealed on July 1, 2022.
- 2332 [~~(2)~~] (3) Subsection [63N-3-109\(2\)\(f\)\(i\)\(B\)](#) is repealed July 1, 2020.
- 2333 [~~(3)~~] (4) Section [63N-3-110](#) is repealed July 1, 2020.
- 2334 Section 32. Section **63J-1-602.4** is amended to read:
- 2335 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63N.**
- 2336 (1) Funds paid to the Division of Real Estate for the cost of a criminal background
- 2337 check for a mortgage loan license, as provided in Section [61-2c-202](#).
- 2338 (2) Funds paid to the Division of Real Estate for the cost of a criminal background
- 2339 check for principal broker, associate broker, and sales agent licenses, as provided in Section
- 2340 [61-2f-204](#).
- 2341 (3) Certain funds donated to the Department of Human Services, as provided in
- 2342 Section [62A-1-111](#).
- 2343 (4) Appropriations from the National Professional Men's Basketball Team Support of
- 2344 Women and Children Issues Restricted Account created in Section [62A-1-202](#).
- 2345 (5) Certain funds donated to the Division of Child and Family Services, as provided in
- 2346 Section [62A-4a-110](#).
- 2347 (6) Appropriations from the Choose Life Adoption Support Restricted Account created
- 2348 in Section [62A-4a-608](#).
- 2349 (7) Appropriations to the Division of Services for People with Disabilities, as provided
- 2350 in Section [62A-5-102](#).

2351 (8) Appropriations to the Division of Fleet Operations for the purpose of upgrading
2352 underground storage tanks under Section [63A-9-401](#).

2353 (9) A portion of the funds appropriated to the Utah Seismic Safety Commission, as
2354 provided in Section [63C-6-104](#).

2355 (10) Funds appropriated or collected for publishing the Office of Administrative Rules'
2356 publications, as provided in Section [63G-3-402](#).

2357 (11) The Immigration Act Restricted Account created in Section [63G-12-103](#).

2358 (12) Money received by the military installation development authority, as provided in
2359 Section [63H-1-504](#).

2360 (13) Appropriations from the Computer Aided Dispatch Restricted Account created in
2361 Section [63H-7a-303](#).

2362 (14) Appropriations from the Unified Statewide 911 Emergency Service Account
2363 created in Section [63H-7a-304](#).

2364 (15) Appropriations from the Utah Statewide Radio System Restricted Account created
2365 in Section [63H-7a-403](#).

2366 ~~[(13)]~~ (16) Appropriations to the Utah Science Technology and Research Initiative
2367 created in Section [63M-2-301](#).

2368 ~~[(14)]~~ (17) Appropriations to fund the Governor's Office of Economic Development's
2369 Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

2370 ~~[(15)]~~ (18) The Motion Picture Incentive Account created in Section [63N-8-103](#).

2371 ~~[(16)]~~ (19) Certain money payable for commission expenses of the Pete Suazo Utah
2372 Athletic Commission, as provided under Section [63N-10-301](#).

2373 Section 33. Section **69-2-101**, which is renumbered from Section 69-2-1 is renumbered
2374 and amended to read:

CHAPTER 2. 911 EMERGENCY SERVICE

Part 1. General Provisions

2377 ~~[69-2-1]~~. **69-2-101**. Title.

2378 This chapter is known as ~~[the "Emergency Telephone Service Law]~~ "911 Emergency
2379 Service."

2380 Section 34. Section **69-2-102**, which is renumbered from Section 69-2-2 is renumbered
2381 and amended to read:

2382 ~~[69-2-2]~~. 69-2-102. Definitions.

2383 As used in this chapter:

2384 (1) "911 emergency communication" means a direct 911 communication received by a
2385 public safety answering point.

2386 ~~[(+)]~~ (2) "911 emergency service" means a unified statewide communication system
2387 ~~[which provides citizens with rapid]~~ that provides a user with direct access to a public safety
2388 ~~answering [points] point by dialing or accessing ["911" with the objective of reducing the~~
2389 ~~response time to situations requiring law enforcement, fire, medical, rescue, and other~~
2390 ~~emergency services]~~ 911.

2391 (3) (a) "Access line" means a circuit-switched connection, or the functional equivalent
2392 of a circuit-switched connection, from an end user to the public switched network.

2393 (b) "Access line" includes:

2394 (i) a local exchange service switched access line within the state;

2395 (ii) a revenue producing radio communications access line with a billing address within
2396 the state; and

2397 (iii) a line provided by a service, including voice over Internet protocol, to a user with
2398 an address within the state, that allows the user to receive a call that originates on the public
2399 switched network and terminate a call to the public switched network.

2400 (4) "Commission" means the State Tax Commission.

2401 (5) "Dispatch center" means the same as that term is defined in Section [63H-7a-103](#).

2402 ~~[(2)]~~ (6) "Local exchange service" means the provision of public telecommunications
2403 services by a wireline common carrier to customers within a geographic area encompassing one
2404 or more local communities as described in the carrier's service territory maps, tariffs, price lists,
2405 or rate schedules filed with and approved by the Public Service Commission.

2406 ~~[(3)]~~ (7) "Local exchange service switched access line" means the transmission facility
2407 and local switching equipment used by a wireline common carrier to connect a customer
2408 location to a carrier's local exchange switching network for providing two-way interactive
2409 voice, or voice capable, services.

2410 ~~[(4)]~~ (8) "Mobile telecommunications service" ~~[is as defined in Section [54-8b-2](#)]~~ means
2411 the same as that term is defined in 4 U.S.C. Sec. 124.

2412 ~~[(5)]~~ (9) "Public agency" means ~~[any county, city, town, special service district, or~~

2413 ~~public authority located within the state which]~~ a state government entity, a political
 2414 subdivision of the state, a special service district, or an entity created by interlocal agreement
 2415 that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or
 2416 other emergency services.

2417 [(6)] (10) "Public safety agency" means a functional division of a public agency which
 2418 provides fire fighting, law enforcement, medical, or other emergency services.

2419 [(7)] (11) "Public safety answering point" means the same as that term is defined in
 2420 Section [63H-7a-203](#).

2421 [(8)] (12) "Public switched [~~telecommunications~~] network" [~~means the network of~~
 2422 ~~equipment, lines, and controls assembled to establish communication paths between calling~~
 2423 ~~and called parties in North America]~~ means the same as that term is defined in 47 C.F.R. Sec.
 2424 20.3.

2425 [(9)] (13) "Radio communications access line" means the radio equipment and
 2426 assigned customer identification number used to connect a mobile or fixed radio customer in
 2427 Utah to a radio communication service provider's network for two-way interactive voice, or
 2428 voice capable, services.

2429 [(10)] (14) (a) "Radio communications service" means a public telecommunications
 2430 service providing the capability of two-way interactive telecommunications between mobile
 2431 and fixed radio customers, and between mobile or fixed radio customers and the local
 2432 exchange service network customers of a wireline common carrier.

2433 (b) "Radio communications service" [~~providers include corporations, persons or~~
 2434 ~~entities offering]~~ includes:

2435 (i) cellular telephone service^[;];

2436 (ii) enhanced specialized mobile radio service^[;];

2437 (iii) rural radio service^[;];

2438 (iv) a radio common carrier [~~services;~~];

2439 (v) a personal communications [~~services, and any equivalent]~~ service; and

2440 (vi) any wireless public telecommunications service equivalent to the services

2441 described in this Subsection (14)(b), as defined in 47 CFR, parts 20, 22, 24, and 90.

2442 [(11)] (15) "Voice over Internet protocol service" [~~is as]~~ means the same as that term is
 2443 defined in Section [54-19-102](#).

2444 ~~[(12)]~~ (16) "Wireline common carrier" means a public telecommunications service
2445 provider that primarily uses metallic or nonmetallic cables and wires for connecting customers
2446 to its local exchange service networks.

2447 Section 35. Section **69-2-201**, which is renumbered from Section 69-2-3 is renumbered
2448 and amended to read:

2449 **Part 2. Public Safety Answering Points and Dispatch Centers**

2450 ~~[69-2-3].~~ **69-2-201. Public safety answering point -- Establishment --**
2451 **Administration -- Consolidation.**

2452 ~~[The governing authority of any]~~

2453 (1) (a) A public agency may [establish a 911 emergency service]:

2454 (i) operate a public safety answering point to provide 911 emergency service to any
2455 part [or all] of the [territory lying within the geographical] geographic area [of such] within the
2456 public [agency and may join with the governing authority of] agency's jurisdiction;

2457 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
2458 contiguous public agency to provide 911 emergency service to any part [or all of the territory
2459 lying within their respective] of the geographic area within the public agencies' jurisdictions[;];
2460 or

2461 ~~[A county may provide 911 emergency service within other public safety agency jurisdictions~~
2462 ~~only upon agreement with the governing authority of such public safety agency.]~~

2463 (iii) operate a public safety answering point under an agreement with another public
2464 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the
2465 geographic area within the public agencies jurisdictions.

2466 (b) A public agency that operates a public safety answering point in connection with a
2467 contiguous public agency shall:

2468 (i) provide for the operation of the public safety answering point by interlocal
2469 agreement between the public agencies; and

2470 (ii) submit a copy of the interlocal agreement to the director of the Utah
2471 Communications Authority.

2472 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
2473 center or a public safety answering point after January 1, 2017.

2474 (3) (a) A public agency that operates a public safety answering point established before

2475 January 1, 2017, may:

2476 (i) continue to operate the public safety answering point; or

2477 (ii) physically consolidate the public safety answering point with another public safety
2478 answering point operated by another contiguous public agency.

2479 (b) A county may establish a public safety answering point on or after January 1, 2017,
2480 if no public safety answering point exists in the county.

2481 (4) A public agency may, in order to provide funding for operating a public safety
2482 answering point:

2483 (a) seek funds from the federal or state government;

2484 (b) seek funds appropriated by local governmental taxing authorities to fund a public
2485 safety agency; or

2486 (c) seek gifts, donations, or grants from a private entity.

2487 (5) Before July 1, 2017, each dispatch center in the state shall enter into an interlocal
2488 agreement with the governing authority of a public safety answering point that serves the
2489 county where the dispatch center is located that provides for:

2490 (a) functional consolidation of the dispatch center with the public safety answering
2491 point; and

2492 (b) a plan for the public safety answering point to provide 911 emergency service to the
2493 geographic area served by the dispatch center.

2494 (6) A special service district that operates a public safety answering point or a dispatch
2495 center:

2496 (a) shall administer the public safety answering point or dispatch center in accordance
2497 with Title 17D, Chapter 1, Special Service District Act; and

2498 (b) may raise funds, borrow money, or incur indebtedness for the purpose of
2499 maintaining the public safety answering point or the dispatch center in accordance with:

2500 (i) Section [17D-1-105](#); and

2501 (ii) Section [17D-1-103](#).

2502 Section 36. Section **69-2-202** is enacted to read:

2503 **69-2-202. Dispatch services -- Public safety answering point -- Department of**
2504 **Public Safety.**

2505 (1) A public safety answering point shall, before providing dispatch services to the

2506 Department of Public Safety:

2507 (a) enter into a written agreement with the Department of Public Safety for providing
2508 dispatch services that specifies:

2509 (i) the scope of the services that the public safety answering point will provide; and

2510 (ii) the rate that the public safety answering point will charge the Department of Public
2511 Safety for dispatch services; and

2512 (b) submit a copy of the agreement to:

2513 (i) the director of the Utah Communications Authority; and

2514 (ii) the commissioner of the Department of Public Safety.

2515 (2) The Department of Public Safety shall, before providing dispatch services to a
2516 public agency as a public safety answering point:

2517 (a) enter into a written agreement with the public agency for providing dispatch
2518 services that specifies:

2519 (i) the scope of the services that the Department of Public Safety will provide; and

2520 (ii) the rate that the Department of Public Safety will charge the public agency for
2521 dispatch services; and

2522 (b) submit a copy of the agreement to:

2523 (i) the director of the Utah Communications Authority; and

2524 (ii) the commissioner of the Department of Public Safety.

2525 Section 37. Section **69-2-203** is enacted to read:

2526 **69-2-203. Audit to assess emergency services -- County.**

2527 Before January 1, 2018, each county in the state that is not served by a single,
2528 consolidated public safety answering point shall conduct an audit to determine:

2529 (1) how best to provide emergency services within the county; and

2530 (2) whether the county could provide more cost efficient emergency service or improve
2531 public safety by establishing a single public safety answering point for the county.

2532 Section 38. Section **69-2-301** is enacted to read:

Part 3. Funding for 911 Emergency Service

2534 **69-2-301. Public safety answering point -- 911 emergency service account --**

2535 **Permitted uses of funds.**

2536 (1) A public safety answering point shall maintain in a separate emergency

2537 telecommunications service fund any funds dispersed to the public safety answering point from
2538 the commission under Section 69-2-302, from proceeds of the 911 emergency services charge
2539 levied under Section 69-2-401.

2540 (2) A public safety answering point may expend the money in the emergency
2541 telecommunications service fund described in Subsection (1) to pay the costs of:

2542 (a) establishing, installing, maintaining, and operating a 911 emergency service system;

2543 (b) receiving and processing emergency communications from the 911 system or other
2544 communications or requests for emergency services;

2545 (c) integrating a 911 emergency service system into an established public safety
2546 answering point, including contracting with an access line provider or a vendor of appropriate
2547 terminal equipment as necessary to implement the 911 emergency services; or

2548 (d) indirect costs associated with the maintaining and operating of a 911 emergency
2549 services system.

2550 (3) A public safety answering point may expend revenue derived from the emergency
2551 telecommunications service fund described in Subsection (1) for personnel costs associated
2552 with receiving and processing communications and deploying emergency response resources.

2553 (4) Any unexpended funds at the end of a fiscal year in a public safety answering
2554 point's emergency telecommunications service fund described in Subsection (1) do not lapse.

2555 Section 39. Section **69-2-302** is enacted to read:

2556 **69-2-302. Distribution of 911 emergency service charge revenue.**

2557 (1) As used in this section:

2558 (a) "Proportional distribution" means a the amount of a public safety answering point's
2559 proportion of 911 emergency service charge revenue calculated under Subsection (3).

2560 (b) "Proportion of total call volume" means the number of 911 emergency
2561 communications that a public safety answering point receives in a year divided by the number
2562 of total 911 emergency communications for the state for the year.

2563 (2) The commission shall transmit funds collected under Section 69-2-402 each month
2564 to a public safety answering point as follows:

2565 (a) for fiscal years 2018 and 2019 only, an amount equal to the greater of:

2566 (i) the amount the of 911 emergency service charge revenue distributed to the public
2567 safety answering point for the same month in fiscal year 2017; or

2568 (ii) the public safety answering point's proportional distribution for the month; and
 2569 (b) for a fiscal year after fiscal year 2019, the public safety answering point's
 2570 proportional distribution for the month.

2571 (3) A public safety answering point's proportion of 911 emergency service charge
 2572 revenue is an amount equal to the total funds collected under Section 69-2-402 for the current
 2573 month multiplied by the average proportion of total call volume for the public safety answering
 2574 point over the three years previous to the current year.

2575 (4) (a) For the purpose of the calculation described in Subsection (3), the Utah
 2576 Communications Authority shall determine for each year:

2577 (i) the number of total 911 emergency communications for the state;

2578 (ii) the number of 911 emergency communications received by each public safety
 2579 answering point; and

2580 (iii) the average per year, over the last three years before the current year, of total 911
 2581 emergency communications for the state and 911 emergency communications received by each
 2582 public safety answering point in the state.

2583 (b) The Utah Communications Authority shall report the numbers described in
 2584 Subsection (4)(a) to the commission on or before January 15 of each year.

2585 Section 40. Section **69-2-303**, which is renumbered from Section 69-2-5.8 is
 2586 renumbered and amended to read:

2587 **[69-2-5.8]. 69-2-303. State Tax Commission -- Redistribution of emergency**
 2588 **service charges revenue.**

2589 (1) As used in this section:

2590 [~~(a) "Commission" means the State Tax Commission.~~]

2591 [(i)] (a) "[~~Secondary~~] Alternate recipient [political subdivision] public safety answering
 2592 point" means a [~~county, city, or town~~] public safety answering point that the commission
 2593 determines should receive a redistribution.

2594 (b) "Eligible portion of qualifying telecommunications charge revenues" means the
 2595 portion of qualifying telecommunications charge revenues that:

2596 (i) were part of an original distribution; and

2597 (ii) the commission determines should have been transmitted:

2598 (A) to [~~a secondary~~] an alternate recipient [political subdivision] public safety

2599 answering point; and

2600 (B) during the redistribution period.

2601 (c) "Original distribution" means that the commission:

2602 (i) collects an amount of qualifying telecommunications charge revenues; and

2603 (ii) transmits the amount of qualifying telecommunications charge revenues to an
2604 original recipient [~~political subdivision~~] public safety answering point.

2605 (d) "Original recipient [~~political subdivision~~] public safety answering point" means a
2606 [~~county, city, or town~~] public safety answering point to which the commission makes an
2607 original distribution.

2608 (e) "Qualifying telecommunications charge revenues" means revenues the commission
2609 collects from a charge under[:] Part 4, 911 Emergency Service Charges.

2610 [~~(i) Section 69-2-5;~~]

2611 [~~(ii) Section 69-2-5.5;~~]

2612 [~~(iii) Section 69-2-5.6; or~~]

2613 [~~(iv) Section 69-2-5.7.~~]

2614 (f) "Redistribution" means that the commission:

2615 (i) makes an original distribution of qualifying telecommunications charge revenues to
2616 an original recipient [~~political subdivision~~] public safety answering point;

2617 (ii) after the commission makes the original distribution of qualifying
2618 telecommunications charge revenues to the original recipient [~~political subdivision~~] public
2619 safety answering point, determines that an eligible portion of qualifying telecommunications
2620 charge revenues should have been transmitted to [~~a secondary~~] an alternate recipient [~~political~~
2621 subdivision] public safety answering point as a result of:

2622 (A) a [~~county, city, or town~~] public safety answering point providing written notice to
2623 the commission that qualifying telecommunications charge revenues that the commission
2624 distributed to an original recipient [~~political subdivision~~] public safety answering point should
2625 have been transmitted to [~~a secondary recipient political subdivision~~] an alternate recipient
2626 public safety answering point; or

2627 (B) the commission finding that an extraordinary circumstance, as defined by rule
2628 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exists
2629 that requires the commission to make a redistribution without receiving the notice described in

2630 Subsection (1)(f)(ii)(A); and

2631 (iii) in accordance with this section, transmits to the [~~secondary~~] alternate recipient
2632 [~~political subdivision~~] public safety answering point the eligible portion of qualifying
2633 telecommunications charge revenues for the redistribution period.

2634 (g) "Redistribution determination date" means the date the commission determines that
2635 [~~a secondary~~] an alternate recipient [~~political subdivision~~] public safety answering point should
2636 have received a redistribution, regardless of the date the commission actually transmits the
2637 redistribution to the [~~secondary~~] alternate recipient [~~political subdivision~~] public safety
2638 answering point.

2639 (h) "Redistribution period" means the time period:

2640 (i) if the commission determines that an eligible portion of qualifying
2641 telecommunications charge revenues should have been transmitted to [~~a secondary~~] an alternate
2642 recipient [~~political subdivision~~] public safety answering point beginning on a date that is 90 or
2643 more days before the redistribution determination date:

2644 (A) beginning 90 days before the redistribution determination date; and

2645 (B) ending on the redistribution determination date; or

2646 (ii) if the commission determines that an eligible portion of qualifying
2647 telecommunications charge revenues should have been transmitted to [~~a secondary~~] an alternate
2648 recipient [~~political subdivision~~] public safety answering point beginning on a date that is less
2649 than 90 days before the redistribution determination date:

2650 (A) beginning on the date the eligible portion of qualifying telecommunications charge
2651 revenues should have been transmitted to the [~~secondary~~] alternate recipient [~~political~~
2652 ~~subdivision~~] public safety answering point; and

2653 (B) ending on the redistribution determination date.

2654 (2) Subject to Subsection (3), the commission may make a redistribution to [~~a~~
2655 ~~secondary~~] an alternate recipient [~~political subdivision~~] public safety answering point in an
2656 amount equal to the eligible portion of qualifying telecommunications charge revenues if:

2657 (a) the commission provides written notice to the following within 15 days after the
2658 commission determines to make the redistribution:

2659 (i) the original recipient [~~political subdivision~~] public safety answering point; and

2660 (ii) the [~~secondary~~] alternate recipient [~~political subdivision~~] public safety answering

- 2661 point; and
- 2662 (b) the commission obtains:
- 2663 (i) an amended return from each person that reports a transaction that will be subject to
- 2664 the redistribution; or
- 2665 (ii) if the commission determines that an amended return described in Subsection
- 2666 (2)(b)(i) is not required to make the redistribution, information:
- 2667 (A) supporting the redistribution; and
- 2668 (B) supplied by a person who collects [a] qualifying telecommunications charge
- 2669 revenues, a [~~county, city, or town~~] public safety answering point, or the commission.
- 2670 (3) The commission shall make a redistribution within 60 days after the requirements
- 2671 of Subsection (2) are met.
- 2672 (4) This section does not limit the commission's authority to make a distribution of
- 2673 revenues under this chapter for a time period other than the redistribution period.
- 2674 Section 41. Section **69-2-401** is enacted to read:

2675 **Part 4. 911 Emergency Service Charges**

2676 **69-2-401. State Tax Commission -- Administration of 911 emergency service**

2677 **charges.**

- 2678 (1) The commission shall collect, enforce, and administer the charges levied under this
- 2679 part using the same procedures used in the administration, collection, and enforcement of state
- 2680 sales and use taxes under:
- 2681 (a) Title 59, Chapter 1, General Taxation Policies, and
- 2682 (b) Title 59, Chapter 12, Part 1, Tax Collection, except for:
- 2683 (i) Section [59-12-104](#);
- 2684 (ii) Section [59-12-104.1](#);
- 2685 (iii) Section [59-12-104.2](#);
- 2686 (iv) Section [59-12-104.6](#);
- 2687 (v) Section [59-12-107.1](#); and
- 2688 (vi) Section [59-12-123](#).
- 2689 (2) The commission shall act on a provider that is delinquent in remitting a charge
- 2690 levied under this part in accordance with Title 59, Chapter 1, Part 14, Assessment, Collections,
- 2691 and Refunds Act.

2692 (3) The commission may determine by rule made in accordance with Title 63G,
2693 Chapter 3, Utah Administrative Rulemaking Act, requirements and procedures for
2694 administering, collecting, and enforcing the charges levied under this part.

2695 (4) The commission shall retain and deposit an administrative charge in accordance
2696 with Section 59-1-306 from the funds that the commission collects from the charges levied
2697 under this part.

2698 (5) The charges levied under this part are subject to Section 69-2-303.
2699 Section 42. Section 69-2-402 is enacted to read:

2700 **69-2-402. 911 emergency service charge -- Administrative charge.**

2701 (1) As used in this section, "911 emergency service charge" means the 911 emergency
2702 service charge levied by the state under Subsection (2).

2703 (2) (a) Subject to Subsection (6), there is imposed on each access line in the state a 911
2704 emergency service charge of 71 cents per month.

2705 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
2706 telecommunications services provided over the access line are located within the state:

2707 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
2708 Tax Act; and

2709 (ii) as determined in accordance with Section 59-12-215.

2710 (3) (a) Subject to Subsection (6), the person that provides service to an access line shall
2711 bill and collect the 911 emergency service charge.

2712 (b) A person that bills and collects the 911 emergency service charge shall, except for
2713 costs retained under Subsection (3)(g)(iii), remit the 911 emergency service charge to the
2714 commission:

2715 (i) monthly on or before the last day of the month immediately following the last day of
2716 the previous month if:

2717 (A) the person is required to file a sales and use tax return with the commission
2718 monthly under Section 59-12-108; or

2719 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2720 12, Sales and Use Tax Act; or

2721 (ii) quarterly on or before the last day of the month immediately following the last day
2722 of the previous quarter if the person is required to file a sales and use tax return with the

2723 commission quarterly under Section 59-12-107.

2724 (c) Except as provided in Subsections (3)(d) and (e), if an access line user is not
2725 required to pay for the service, the access line provider shall collect the 911 emergency service
2726 charge from the person that is required to pay for the access line.

2727 (d) The 911 emergency service charge is not imposed on a provider of a consumer of
2728 federal wireless lifeline service if the consumer does not pay the provider for the service.

2729 (e) A consumer of federal wireless lifeline service shall pay, and the provider of the
2730 service shall collect and remit, the 911 emergency service charge when the consumer purchases
2731 from the provider optional services in addition to the federally funded lifeline benefit.

2732 (f) The 911 emergency service charge is not imposed on an access line provided for
2733 public pay telecommunications service.

2734 (g) The person that bills and collects the 911 emergency service charge:

2735 (i) shall remit the 911 emergency service charge along with a form prescribed by the
2736 commission;

2737 (ii) may bill the 911 emergency service charge in combination with the charges levied
2738 under Sections 69-2-403 and 69-2-404 as one line item charge for 911 emergency service; and

2739 (iii) may retain an amount not to exceed 1.5% of the 911 emergency service charge as
2740 reimbursement for the cost of billing, collecting, and remitting the 911 emergency service
2741 charge.

2742 (4) The commission shall transmit the funds the commission collects from the 911
2743 emergency service charge monthly to a public safety answering point in accordance with
2744 Section 69-2-302.

2745 (5) An access line provider that fails to comply with this section is subject to penalties
2746 and interest as provided in Sections 59-1-401 and 59-1-402.

2747 (6) The state may impose, bill, and collect the 911 emergency service charge on a
2748 mobile telecommunications service only to the extent permitted by the Mobile
2749 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2750 Section 43. Section **69-2-403**, which is renumbered from Section 69-2-5.6 is
2751 renumbered and amended to read:

2752 **[69-2-5.6]. 69-2-403. Unified statewide 911 emergency service charge to fund**
2753 **Unified Statewide 911 Emergency Service Account -- Administrative charge.**

2754 (1) As used in this section, "unified statewide 911 emergency service charge" means
 2755 the unified statewide 911 emergency service charge imposed under Subsection (2).

2756 ~~[(1)] (2) (a) Subject to Subsection [69-2-5(3)(g)] (6), there is imposed on each access~~
 2757 ~~line in the state a unified statewide 911 emergency service charge of 9 cents per month [on~~
 2758 ~~each local exchange service switched access line and each revenue producing radio~~
 2759 ~~communications access line that is subject to a 911 emergency services charge levied by a~~
 2760 ~~county, city, town, or metro township under Section 69-2-5].~~

2761 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
 2762 telecommunications services provided over the access line are located within the state:

2763 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
 2764 Tax Act; and

2765 (ii) as determined in accordance with Section 59-12-215.

2766 ~~[(2)(a) A] (3) (a) The person that provides service to an access line shall bill and~~
 2767 ~~collect the unified statewide 911 emergency [services] service charge [imposed under this~~
 2768 ~~section shall be:].~~

2769 ~~[(i) subject to Subsection 69-2-5(3)(g); and]~~

2770 ~~[(ii) billed and collected by the person that provides:]~~

2771 ~~[(A) local exchange service switched access line services;]~~

2772 ~~[(B) radio communications access line services; or]~~

2773 ~~[(C) service described in Subsection 69-2-5(3)(a)(i)(C).]~~

2774 (b) A person that [pays a charge under this section] bills and collects the unified
 2775 statewide 911 emergency service charge shall pay the unified statewide 911 emergency service
 2776 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) A charge imposed under this section shall be deposited into the Unified Statewide~~
2787 ~~911 Emergency Service Account created by Section [63H-7a-304](#).]~~

2788 ~~[(d) If a subscriber of a service subject to a charge described in Subsection (1)]~~

2789 ~~(c) If an access line user is not required to pay for the [service] access line, the access~~
2790 ~~line provider [of the service] shall collect the unified statewide 911 emergency service charge~~
2791 ~~from the person that is required to pay for the [service] access line.~~

2792 ~~[(3)] (d) The person that bills and collects the [charges levied by this section pursuant~~
2793 ~~to Subsections (2)(b) and (c) may] unified statewide 911 emergency service charge:~~

2794 ~~(i) shall remit the unified statewide 911 emergency service charge along with a form~~
2795 ~~prescribed by the commission;~~

2796 ~~[(a)] (ii) may bill the [charge imposed by this section] unified statewide 911 emergency~~
2797 ~~service charge in combination with the [charge] charges levied under [Section [69-2-5](#)] Sections~~
2798 ~~[69-2-402](#) and [69-2-404](#) as one line item charge for 911 emergency service; and~~

2799 ~~[(b)] (iii) may retain an amount not to exceed 1.5% of the [charges] unified statewide~~
2800 ~~911 emergency service charge collected under this section as reimbursement for the cost of~~
2801 ~~billing, collecting, and remitting the [levy] unified statewide 911 emergency service charge.~~

2802 ~~(4) The commission shall deposit any unified 911 emergency service charge remitted to~~
2803 ~~the commission into the Unified Statewide 911 Emergency Service Account created in Section~~
2804 ~~[63H-7a-304](#).~~

2805 ~~[(4) The State Tax Commission shall collect, enforce, and administer the charges~~
2806 ~~imposed under Subsection (1) using the same procedures used in the administration, collection,~~
2807 ~~and enforcement of the emergency services telecommunications charge to fund the Computer~~
2808 ~~Aided Dispatch Restricted Account under Section [63H-7a-303](#).]~~

2809 ~~[(5) Notwithstanding Section [63H-7a-304](#), the State Tax Commission shall retain and~~
2810 ~~deposit an administrative charge in accordance with Section [59-1-306](#) from the revenues the~~
2811 ~~State Tax Commission collects from a charge under this section.]~~

2812 ~~[(6) A charge under this section is subject to Section [69-2-5.8](#).]~~

2813 ~~(5) An access line provider that fails to comply with this section is subject to penalties~~
2814 ~~and interest as provided in Sections [59-1-401](#) and [59-1-402](#).~~

2815 ~~(6) The state may impose, bill, and collect an emergency services telecommunications~~

2816 charge under this section on a mobile telecommunications service only to the extent permitted
2817 by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2818 (7) This section sunsets in accordance with Section [63I-1-269](#).

2819 Section 44. Section **69-2-404** is enacted to read:

2820 **69-2-404. Radio network charge to fund the Utah Statewide Radio System**
2821 **Restricted Account -- Administrative charge.**

2822 (1) As used in this section, "radio network charge" means the radio network charge
2823 imposed under Subsection (2).

2824 (2) (a) Subject to Subsection (6), there is imposed on each access line in the state a
2825 radio network charge of:

2826 (i) on and after July 1, 2017, and before January 1, 2018, 18 cents per month; and

2827 (ii) on and after January 1, 2018, 52 cents per month.

2828 (b) An access line is within the state for the purposes of Subsection (2)(a) if the
2829 telecommunications services provided over the access line are located within the state:

2830 (i) for the purposes of sales and use taxes under Title 59, Chapter 12, Sales and Use
2831 Tax Act; and

2832 (ii) as determined in accordance with Section [59-12-215](#).

2833 (3) (a) The person that provides service to an access line shall bill and collect the radio
2834 network charge.

2835 (b) A person that bills and collects the radio network charge shall pay the radio
2836 network charge to the commission:

2837 (i) monthly on or before the last day of the month immediately following the last day of
2838 the previous month if:

2839 (A) the person is required to file a sales and use tax return with the commission
2840 monthly under Section [59-12-108](#); or

2841 (B) the person is not required to file a sales and use tax return under Title 59, Chapter
2842 12, Sales and Use Tax Act; or

2843 (ii) quarterly on or before the last day of the month immediately following the last day
2844 of the previous quarter if the person is required to file a sales and use tax return with the
2845 commission quarterly under Section [59-12-107](#).

2846 (c) If an access line user is not required to pay for the access line, the access line

2847 provider shall collect the radio network charge from the person that is required to pay for the
2848 access line.

2849 (d) The person that bills and collects a radio network charge:

2850 (i) shall remit the radio network charge along with a form prescribed by the
2851 commission; and

2852 (ii) may bill the radio network charge in combination with the charges levied under
2853 Sections [69-2-402](#) and [69-2-403](#) as a one line item charge for 911 emergency service.

2854 (4) The commission shall deposit any radio network charge remitted to the commission
2855 into the Utah Statewide Radio System Restricted Account created in Section [63H-7a-403](#).

2856 (5) An access line provider that fails to comply with this section is subject to penalties
2857 and interest as provided in Sections [59-1-401](#) and [59-1-402](#).

2858 (6) The state may impose, bill, and collect the radio network charge under this section
2859 on a mobile telecommunications service only to the extent permitted by the Mobile
2860 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

2861 Section 45. Section **69-2-405**, which is renumbered from Section 69-2-5.7 is
2862 renumbered and amended to read:

2863 **[69-2-5.7]. 69-2-405. Prepaid wireless 911 service charge to fund 911**
2864 **emergency service -- Administrative charge.**

2865 (1) As used in this section:

2866 (a) "Consumer" means a person who purchases prepaid wireless telecommunications
2867 service in a transaction.

2868 (b) "Prepaid wireless 911 service charge" means the charge that is required to be
2869 collected by a seller from a consumer in the amount established under Subsection (2).

2870 (c) (i) "Prepaid wireless telecommunications service" means a wireless
2871 telecommunications service that:

2872 (A) is paid for in advance;

2873 (B) is sold in predetermined units of time or dollars that decline with use in a known
2874 amount or provides unlimited use of the service for a fixed amount or time; and

2875 (C) allows a caller to access 911 emergency service.

2876 (ii) "Prepaid wireless telecommunications service" does not include a wireless
2877 telecommunications service that is billed:

- 2878 (A) to a customer on a recurring basis; and
- 2879 (B) in a manner that includes the [~~emergency services telecommunications charges,~~
- 2880 ~~described in~~] charges levied under Sections [~~69-2-5, 69-2-5.5, and 69-2-5.6~~] 69-2-402,
- 2881 69-2-403, and 69-2-404, for each radio communication access line assigned to the customer.
- 2882 (d) "Seller" means a person that sells prepaid wireless telecommunications service to a
- 2883 consumer.
- 2884 (e) "Transaction" means each purchase of prepaid wireless telecommunications service
- 2885 from a seller.
- 2886 (f) "Wireless telecommunications service" means commercial mobile radio service as
- 2887 defined by 47 C.F.R. Sec. 20.3, as amended.
- 2888 (2) There is imposed a prepaid wireless 911 service charge of [~~1.9%~~]:
- 2889 (a) before January 1, 2018, 2.45% of the sales price per transaction; and
- 2890 (b) on and after January 1, 2018, 3.4% of the sales price per transaction.
- 2891 (3) (a) The prepaid wireless 911 service charge shall be collected by the seller from the
- 2892 consumer for each transaction occurring in this state.
- 2893 (b) (i) Except as provided in Subsections (3)(b)(ii) and (iii), if a user of a service
- 2894 subject to a charge described in Subsection (2) is not the consumer, the seller shall collect the
- 2895 charge from the consumer for the service.
- 2896 (ii) The charge described in Subsection (2) is not imposed on a seller or a consumer of
- 2897 federal wireless lifeline service if the consumer does not pay the seller for the service.
- 2898 (iii) A consumer of federal wireless lifeline service shall pay, and the seller of the
- 2899 service shall collect and remit, the charge described in Subsection (2) when the consumer
- 2900 purchases from the seller optional services in addition to the federally funded lifeline benefit.
- 2901 (4) The prepaid wireless 911 service charge shall be separately stated on an invoice,
- 2902 receipt, or similar document that is provided by the seller to the consumer.
- 2903 (5) For purposes of Subsection (3), the location of a transaction is determined in
- 2904 accordance with Sections 59-12-211 through 59-12-215.
- 2905 (6) When prepaid wireless telecommunications service is sold with one or more other
- 2906 products or services for a single non-itemized price, then the percentage specified in Section
- 2907 (2) shall apply to the entire non-itemized price.
- 2908 (7) A seller may retain 3% of prepaid wireless 911 service charges that are collected by

2909 the seller from consumers as reimbursement for the cost of billing, collecting, and remitting the
2910 charge.

2911 (8) ~~[Prepaid wireless 911 service charges collected by a seller]~~ A person that collects a
2912 prepaid wireless 911 service charge, except as retained under Subsection (7), shall ~~[be~~
2913 ~~remitted]~~ remit the prepaid wireless 911 service charge to the ~~[State Tax Commission]~~
2914 commission at the same time ~~[as]~~ that the seller remits to the ~~[State Tax Commission]~~
2915 commission money collected by the person under Title 59, Chapter 12, Sales and Use Tax Act.

2916 ~~[(9) The State Tax Commission:]~~

2917 ~~[(a) shall collect, enforce, and administer the charge imposed under this section using~~
2918 ~~the same procedures used in the administration, collection, and enforcement of the state sales~~
2919 ~~and use taxes under:]~~

2920 ~~[(i) Title 59, Chapter 1, General Taxation Policies; and]~~

2921 ~~[(ii) Title 59, Chapter 12, Part 1, Tax Collection, except for:]~~

2922 ~~[(A) Section 59-12-104;]~~

2923 ~~[(B) Section 59-12-104.1;]~~

2924 ~~[(C) Section 59-12-104.2;]~~

2925 ~~[(D) Section 59-12-107.1; and]~~

2926 ~~[(E) Section 59-12-123;]~~

2927 ~~[(b) may retain up to 1.5% of the prepaid wireless 911 service charge revenue collected~~
2928 ~~under Subsection (9)(a) as reimbursement for administering this section;]~~

2929 ~~[(c) shall distribute the prepaid wireless 911 service charge revenue, except as retained~~
2930 ~~under Subsection (9)(b), as follows:]~~

2931 ~~[(i) 80.3% of the revenue shall be distributed to each county, city, town, or metro~~
2932 ~~township in the same percentages and in the same manner as the entities receive money to fund~~
2933 ~~911 emergency telecommunications services under Section 69-2-5;]~~

2934 ~~[(ii) 7.9% of the revenue shall be distributed to fund the Computer Aided Dispatch~~
2935 ~~Restricted Account created in Section 63H-7a-303;]~~

2936 ~~[(iii) 11.8% of the revenue shall be distributed to fund the unified statewide 911~~
2937 ~~emergency service as in Section 69-2-5.6; and]~~

2938 ~~[(d) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative~~
2939 ~~Rulemaking Act, to administer, collect, and enforce the charges imposed under this section.]~~

2940 ~~[(10) A charge under this section is subject to Section 69-2-5.8.]~~
 2941 (9) The commission shall distribute:
 2942 (a) on and after July 1, 2017, and before January 1, 2018:
 2943 (i) 72.4% of the prepaid wireless 911 service charge revenue to a public safety
 2944 answering point in accordance with Section 69-2-302;
 2945 (ii) 9.2% of the prepaid wireless 911 service charge revenue to the Unified Statewide
 2946 911 Emergency Service Account created in Section 63H-7a-304; and
 2947 (iii) 18.4% of the revenue to the Utah Statewide Radio System Restricted Account; and
 2948 (b) on and after January 1, 2018:
 2949 (i) 54.8% of the prepaid wireless 911 service charge revenue to a public safety
 2950 answering point in accordance with Section 69-2-302;
 2951 (ii) 6.89% of the prepaid wireless 911 service charge revenue to the Unified Statewide
 2952 911 Emergency Service Account created in Section 63H-7a-304; and
 2953 (iii) 39.4% of the revenue to the Utah Statewide Radio System Restricted Account.
 2954 Section 46. Section **69-2-501**, which is renumbered from Section 69-2-6 is renumbered
 2955 and amended to read:

Part 5. Liability and Immunity

2956 **69-2-6**. **69-2-501. Jurisdiction and employee immunity.**
 2957 (1) In implementing [a] 911 emergency [telephone] service, [the] any public agency
 2958 and public safety [agencies and their employees] agency shall cooperate in establishing [the
 2959 service and in its day-to-day provision] and providing 911 emergency service.
 2960 (2) Any employee of any public safety agency which is a participant in [a] 911
 2961 emergency [telephone] service may respond and take any action to any call whether within or
 2962 without the authorized territorial jurisdiction of the public safety agency.
 2963 (3) In response to [emergency calls, employees of public safety agencies] an emergency
 2964 communication, an employee of a public safety agency shall have the same immunity for any
 2965 acts performed in the line of duty outside [their] the public safety agency's authorized
 2966 [jurisdictions as they enjoy within their authorized jurisdictions] jurisdiction as the public
 2967 safety agency employee has within the public safety agency's authorized jurisdiction.
 2968 (4) No cause of action is created by any incorrect dispatch or response by any system or
 2969 any public safety agency or by reason of elapsed response time.
 2970

2971 Section 47. Section **69-2-502**, which is renumbered from Section 69-2-7 is renumbered
2972 and amended to read:

2973 ~~[69-2-7]~~. **69-2-502. Limitation of duties and liabilities.**

2974 Except as provided in Section ~~[69-2-8]~~ [69-2-503](#), nothing contained in this chapter
2975 imposes any duties or liabilities beyond those otherwise specified by law upon any provider of
2976 local exchange service, radio communications service, voice over Internet protocol service, or
2977 terminal equipment needed to implement 911 emergency ~~[telephone]~~ service and the Utah
2978 statewide radio system and public safety communication network, created in Title 63H,
2979 Chapter 7a, Utah Communications Authority Act.

2980 Section 48. Section **69-2-503**, which is renumbered from Section 69-2-8 is renumbered
2981 and amended to read:

2982 ~~[69-2-8]~~. **69-2-503. Liabilities of providers.**

2983 (1) A provider of local exchange service, radio communications service, or voice over
2984 Internet protocol service may by tariff or agreement with a customer provide for the customer's
2985 release of any claim, suit, or demand against the provider based upon a disclosure or a
2986 nondisclosure of an unlisted or nonpublished telephone number and address, and the related
2987 address, if a call for any 911 emergency ~~[telephone]~~ service is made from the customer's
2988 telephone.

2989 (2) A provider of local exchange service, radio communications service, voice over
2990 Internet protocol service, or telephone terminal equipment needed to implement or enhance 911
2991 emergency ~~[telephone]~~ service, and their employees and agents, are not liable for any damages
2992 in a civil action for injuries, death, or loss to person or property incurred as a result of any act
2993 or omission of the provider, employee, or agent, in connection with developing, adopting,
2994 implementing, maintaining, enhancing, or operating a 911 emergency ~~[telephone]~~ service,
2995 except for damages or injury intentionally caused by or resulting from gross negligence of the
2996 provider or person.

2997 Section 49. **Repealer.**

2998 This bill repeals:

2999 Section [63H-7a-305](#), **911 Division expenses -- Responsibilities.**

3000 Section [63H-7a-306](#), **911 Division to report annually.**

3001 Section [63H-7a-307](#), **911 Advisory Committee -- Membership -- Duties.**

- 3002 Section **63H-7a-405**, Radio network advisory committees.
- 3003 Section **63H-7a-504**, Interoperability advisory committees.
- 3004 Section **63H-7a-700**, Title.
- 3005 Section **63H-7a-702**, Bonds to be authorized by resolution -- Form -- Sale --
- 3006 **Negotiability -- Validity presumed.**
- 3007 Section **63H-7a-703**, Bonds and other obligations -- Additional powers of the
- 3008 **authority.**
- 3009 Section **63H-7a-704**, Reserve funds for debt service.
- 3010 Section **63H-7a-705**, Investment of the authority funds.
- 3011 Section **63H-7a-706**, Publication of notice, resolution, or other proceeding -- Period
- 3012 **for contesting.**
- 3013 Section **69-2-4**, Administration.
- 3014 Section **69-2-5**, Funding for 911 emergency service -- Administrative charge.
- 3015 Section **69-2-5.5**, Emergency services telecommunications charge to fund the
- 3016 **Computer Aided Dispatch Restricted Account -- Administrative charge.**
- 3017 Section 50. **Effective date.**
- 3018 This bill takes effect on July 1, 2017.