

HB0266S01 compared with HB0266

~~deleted text~~ shows text that was in HB0266 but was deleted in HB0266S01.

Inserted text shows text that was not in HB0266 but was inserted into HB0266S01.

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Representative R. Curt Webb proposes the following substitute bill:

LIMITED ACCESS HIGHWAY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to access to public highways.

Highlighted Provisions:

This bill:

- ▶ ~~limits the~~ defines terms;
- ▶ provides circumstances under which a highway authority may ~~terminate~~ not close a ~~property owner's~~ legal point of access to a public highway; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

72-7-103, as renumbered and amended by Laws of Utah 1998, Chapter 270

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

Section 1. Section 72-7-103 is amended to read:

72-7-103. Limitation on access authority.

(1) As used in this section:

(a) "Highway facility" means:

(i) SR-7 as described in Section 72-4-106;

(ii) SR-67 as described in Section 72-4-112;

(iii) SR-85 as described in Section 72-4-114;

(iv) SR-154 as described in Section 72-4-121; or

(v) SR-201 as described in Section 72-4-126.

(b) "Legal point of access" means an access established in accordance with applicable

law:

(i) before July 1, 2003;

(ii) by permit issued by the highway authority; or

(iii) by a deed or court order.

~~(1)~~2. A highway authority may not deny reasonable ingress and egress to property adjoining a public highway except where:

~~(1)~~ (a) the highway authority acquires right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise; or

~~(2)~~ (b) no right of ingress or egress exists between the right-of-way and the adjoining property.

~~(2)~~3. For a property adjoining a public highway that is not an interstate system or a highway facility, a highway authority may not ~~terminate, modify, or impede the use of the property owner's~~ close a legal point of access to the public highway ~~if~~, unless:

(a) ~~there is evidence that the point of access has existed for 10 years or more; and~~ the property has reasonably equivalent access to the public highway after the legal access is closed;

or

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(b) the highway authority ~~has not acquired~~ acquires the legal point of access by gift, agreement, purchase, or eminent domain.

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Legislative Review Note

Office of Legislative Research and General Counsel†