

ROAD TOLLS PROVISIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill modifies provisions related to the imposition and collection of tolls on certain roads.

Highlighted Provisions:

This bill:

- ▶ allows the Department of Transportation to:
 - mail correspondence to inform the owner of a motor vehicle of an unpaid toll or penalty for failing to pay a toll;
 - impose a penalty for failure to pay a toll;
 - use camera and video technology to monitor a tollway; and
 - request a hold on the registration of a motor vehicle if the owner has failed to pay a toll or penalty associated with the motor vehicle;
- ▶ removes certain restrictions on the Department of Transportation's ability to establish a tollway on an existing highway;
- ▶ allows the Department of Transportation to establish a tollway on an existing highway if approved by the Transportation Commission;
- ▶ requires the Department of Transportation and the Division of Motor Vehicles to share information pertinent to registration and toll enforcement;
- ▶ requires the Department of Transportation to make rules related to tollways and the amount of a penalty for failure to pay a toll;
- ▶ allows the retention of license plate data for toll and penalty collection purposes;

- 29 ▶ requires a study to develop strategies to collect a toll or penalty from the owner of a
- 30 motor vehicle from outside this state or from the driver of a short term rental vehicle
- 31 operated on a tollway; and
- 32 ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **41-1a-203**, as last amended by Laws of Utah 2017, Chapter 406
- 40 **41-6a-2004**, as last amended by Laws of Utah 2014, Chapter 276
- 41 **72-2-120**, as last amended by Laws of Utah 2011, Chapter 303
- 42 **72-6-118**, as last amended by Laws of Utah 2010, Chapter 278



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

45 Section 1. Section **41-1a-203** is amended to read:

46 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
47 **renewal.**

48 (1) Except as otherwise provided, before registration of a vehicle, an owner shall:

- 49 (a) obtain an identification number inspection under Section **41-1a-204**;
- 50 (b) obtain a certificate of emissions inspection, if required in the current year, as
- 51 provided under Section **41-6a-1642**;
- 52 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
- 53 **41-1a-206** or **41-1a-207**;
- 54 (d) pay the automobile driver education tax required by Section **41-1a-208**;
- 55 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

- 56 (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if
- 57 applicable;
- 58 (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
- 59 (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; and
- 60 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.
- 61 (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
- 62 been previously registered or that is currently registered under a previous owner's name shall
- 63 apply for a valid certificate of title in the owner's name before registration.
- 64 (3) The division may not issue a new registration, transfer of ownership, or registration
- 65 renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter
- 66 unless a certificate of title has been or is in the process of being issued in the same owner's
- 67 name.
- 68 (4) The division may not issue a new registration, transfer of ownership, or registration
- 69 renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless
- 70 a certificate of title has been or is in the process of being issued in the same owner's name.
- 71 (5) The division may not issue a registration renewal for a motor vehicle if the division
- 72 has received a hold request as described in Section 72-6-118 involving the motor vehicle for
- 73 which a registration renewal has been requested.
- 74 Section 2. Section 41-6a-2004 is amended to read:
- 75 **41-6a-2004. Captured plate data -- Preservation and disclosure.**
- 76 (1) Captured plate data obtained for the purposes described in Section 41-6a-2003:
- 77 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
- 78 Chapter 2, Government Records Access and Management Act, if the captured plate data is
- 79 maintained by a governmental entity;
- 80 (b) may not be used or shared for any purpose other than the purposes described in
- 81 Section 41-6a-2003;
- 82 (c) except as provided in Subsection (3), may not be preserved for more than nine

83 months by a governmental entity except pursuant to:

- 84 (i) a preservation request under Section [41-6a-2005](#);
- 85 (ii) a disclosure order under Subsection [41-6a-2005\(2\)](#); or
- 86 (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent
- 87 federal warrant; and
- 88 (d) may only be disclosed:
 - 89 (i) in accordance with the disclosure requirements for a protected record under Section
 - 90 [63G-2-202](#);
 - 91 (ii) pursuant to a disclosure order under Subsection [41-6a-2005\(2\)](#); or
 - 92 (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
 - 93 equivalent federal warrant.

94 (2) (a) A governmental entity that is authorized to use an automatic license plate reader

95 system under this part may not sell captured plate data for any purpose.

96 (b) A governmental entity that is authorized to use an automatic license plate reader

97 system under this part may not share captured plate data for a purpose not authorized under

98 Subsection [41-6a-2003\(2\)](#).

99 (c) Notwithstanding the provisions of this section, a governmental entity may preserve

100 and disclose aggregate captured plate data for planning and statistical purposes if the

101 information identifying a specific license plate is not preserved or disclosed.

102 (3) Plate data collected in accordance with Section [72-6-118](#) may be preserved so long

103 as necessary to collect the payment of a toll or penalty imposed in accordance with Section

104 [72-6-118](#) and the nine-month preservation limitation described in Subsection (1)(c) shall not

105 apply.

106 Section 3. Section **72-2-120** is amended to read:

107 **72-2-120. Tollway Special Revenue Fund -- Revenue.**

108 (1) There is created a special revenue fund within the Transportation Fund known as

109 the "Tollway Special Revenue Fund."

- 110 (2) The fund shall be funded from the following sources:
- 111 (a) tolls collected by the department under Section 72-6-118;
- 112 (b) funds received by the department through a tollway development agreement under
- 113 Section 72-6-203;
- 114 (c) appropriations made to the fund by the Legislature;
- 115 (d) contributions from other public and private sources for deposit into the fund;
- 116 (e) interest earnings on cash balances; and
- 117 (f) money collected for repayments and interest on fund money.
- 118 (3) The Division of Finance [~~shall~~] may create a subaccount for each tollway as defined
- 119 in Section 72-6-118.

120 (4) The commission may authorize the money deposited into the fund to be spent by

121 the department to establish and operate tollways and related facilities and state transportation

122 systems, including design, construction, reconstruction, operation, maintenance, enforcement,

123 impacts from tollways, and the acquisition of right-of-way.

124 Section 4. Section 72-6-118 is amended to read:

125 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**

126 **and collection of tolls -- Amount of tolls -- Rulemaking.**

- 127 (1) As used in this section:
- 128 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
- 129 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number
- 130 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
- 131 toll or fee.
- 132 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.
- 133 (c) "Toll lane" means a designated new highway or additional lane capacity that is
- 134 constructed, operated, or maintained for which a toll is charged for its use.
- 135 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
- 136 designed and used as a transportation route that is constructed, operated, or maintained through

137 the use of toll revenues.

138 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

139 (e) "Tollway development agreement" has the same meaning as defined in Section
140 72-6-202.

141 (2) Subject to the provisions of Subsection (3), the department may:

142 (a) establish, expand, and operate tollways and related facilities for the purpose of
143 funding in whole or in part the acquisition of right-of-way and the design, construction,
144 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation
145 route for use by the public;

146 (b) enter into contracts, agreements, licenses, franchises, tollway development
147 agreements, or other arrangements to implement this section;

148 (c) impose and collect tolls on any tollway established under this section, including
149 collection of past due payment of a toll or penalty; [and]

150 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
151 pursuant to the terms and conditions of a tollway development agreement[-];

152 (e) use technology to automatically monitor a tollway and collect payment of a toll,
153 including:

154 (i) license plate reading technology; and

155 (ii) photographic or video recording technology; and

156 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
157 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll
158 or penalty imposed for usage of a tollway involving the motor vehicle for which registration
159 renewal has been requested.

160 [~~(3)(a) Except as provided under Subsection (3)(d), the department or other entity may~~
161 ~~not establish or operate a tollway on an existing state highway, except as approved by the~~
162 ~~commission and the Legislature.]~~

163 [~~(b) Between sessions of the Legislature, a state tollway may be designated or deleted~~

164 if:]

165 ~~[(i) approved by the commission in accordance with the standards made under this~~
166 ~~section; and]~~

167 ~~[(ii) the tollways are submitted to the Legislature in the next year for legislative~~
168 ~~approval or disapproval.]~~

169 ~~[(c) In conjunction with a proposal submitted under Subsection (3)(b)(ii), the~~
170 ~~department shall provide a description of the tollway project, projected traffic, the anticipated~~
171 ~~amount of tolls to be charged, and projected toll revenue.]~~

172 ~~[(d) If approved by the commission, the department may:]~~

173 ~~[(i) establish high occupancy toll lanes on existing state highways; and]~~

174 ~~[(ii) establish tollways on new state highways or additional capacity lanes.]~~

175 (3) (a) The department may establish or operate a tollway on an existing highway if
176 approved by the commission in accordance with the terms of this section.

177 (b) To establish a tollway on an existing highway, the department shall submit a
178 proposal to the commission including:

179 (i) a description of the tollway project;

180 (ii) projected traffic on the tollway;

181 (iii) the anticipated amount of the toll to be charged; and

182 (iv) projected toll revenue.

183 (4) (a) For a tollway established under this section, the department may:

184 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
185 vehicle using the tollway according to the terms of the tollway;

186 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:

187 (A) an unpaid toll and the amount of the toll to be paid to the department;

188 (B) the penalty for failure to pay the toll timely; and

189 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and
190 penalty are not paid timely, which would prevent the renewal of the motor vehicle's

191 registration;

192 (iii) require that the owner of the motor vehicle pay the toll to the department within 30
193 days of the date when the department sends written notice of the toll to the owner; and

194 (iv) impose a penalty for failure to pay a toll timely.

195 (b) The department shall mail the correspondence and notice described in Subsection
196 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

197 (5) (a) The Division of Motor Vehicles and the department shall share and provide
198 access to information pertaining to a motor vehicle and tollway enforcement including:

199 (i) registration and ownership information pertaining to a motor vehicle;

200 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
201 penalty imposed under this section; and

202 (iii) the status of a request for a hold on the registration of a motor vehicle.

203 (b) If the department requests a hold on the registration in accordance with this section,
204 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
205 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or
206 penalty imposed under this section for usage of a tollway involving the motor vehicle for which
207 registration renewal has been requested until the department withdraws the hold request.

208 ~~[(4)]~~ (6) (a) Except as provided in Subsection ~~[(4)]~~ (6)(b), in accordance with Title
209 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:

210 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

211 (ii) for tolls established under Subsection ~~[(4)]~~ (6)(b), set:

212 (A) an increase in a toll rate or user fee above an increase specified in a tollway
213 development agreement; or

214 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
215 tollway development agreement.

216 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
217 tollway on a state highway that is the subject of a tollway development agreement shall be set

218 in the tollway development agreement.

219 ~~[(5)]~~ (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
220 Act, the department shall make rules:

221 (i) necessary to establish and operate tollways on state highways; ~~[and]~~

222 (ii) that establish standards and specifications for automatic tolling systems and
223 automatic tollway monitoring technology; and

224 (iii) to set the amount of a penalty for failure to pay a toll under this section.

225 (b) The rules shall:

226 (i) include minimum criteria for having a tollway; and

227 (ii) conform to regional and national standards for automatic tolling.

228 ~~[(6)]~~ (8) (a) The commission may provide funds for public or private tollway pilot
229 projects or high occupancy toll lanes from General Fund money appropriated by the Legislature
230 to the commission for that purpose.

231 (b) The commission may determine priorities and funding levels for tollways
232 designated under this section.

233 ~~[(7)]~~ (9) (a) Except as provided in Subsection ~~[(7)]~~ (9)(b), all revenue generated from a
234 tollway on a state highway shall be deposited into the Tollway Special Revenue Fund created
235 in Section 72-2-120 and used for acquisition of right-of-way and the design, construction,
236 reconstruction, operation, maintenance, enforcement of state transportation systems and
237 facilities, including operating improvements to the tollway, and other facilities used exclusively
238 for the operation of a tollway facility within the corridor served by the tollway.

239 (b) Revenue generated from a tollway that is the subject of a tollway development
240 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance
241 with Subsection ~~[(7)]~~ (9)(a) unless:

242 (i) the revenue is to a private entity through the tollway development agreement; or

243 (ii) the revenue is identified for a different purpose under the tollway development
244 agreement.

245 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

246 (a) in accordance with Section [63G-2-305](#), is a protected record under Title 63G,
247 Chapter 2, Government Records Access and Management Act, if the photographic or video
248 data is maintained by a governmental entity;

249 (b) may not be used or shared for any purpose other than the purposes described in this
250 section;

251 (c) may only be preserved:

252 (i) so long as necessary to collect the payment of a toll or penalty imposed in
253 accordance with this section; or

254 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
255 equivalent federal warrant; and

256 (d) may only be disclosed:

257 (i) in accordance with the disclosure requirements for a protected record under Section
258 [63G-2-202](#); or

259 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
260 equivalent federal warrant.

261 (11) (a) The department may not sell for any purpose photographic or video data
262 captured under Subsection (2)(e)(ii).

263 (b) The department may not share captured photographic or video data for a purpose
264 not authorized under this section.

265 (12) Before November 1, 2018, the Driver License Division, the Division of Motor
266 Vehicles, and the department shall jointly study and report findings and recommendations to
267 the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'
268 License Compact, and other methods to collect a toll or penalty under this section from:

269 (a) an owner of a motor vehicle registered outside this state; or

270 (b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.