

Representative Mike Schultz proposes the following substitute bill:

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;



- 26 ▶ requires the Department of Transportation to make rules related to tollways and the
- 27 amount of a penalty for failure to pay a toll;
- 28 ▶ allows the retention of license plate data for toll and penalty collection purposes;
- 29 and
- 30 ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **41-1a-203**, as last amended by Laws of Utah 2017, Chapter 406
- 38 **41-6a-2004**, as last amended by Laws of Utah 2014, Chapter 276
- 39 **72-2-120**, as last amended by Laws of Utah 2011, Chapter 303
- 40 **72-6-118**, as last amended by Laws of Utah 2010, Chapter 278



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

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

44 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
45 **renewal.**

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

- 47 (a) obtain an identification number inspection under Section **41-1a-204**;
- 48 (b) obtain a certificate of emissions inspection, if required in the current year, as
- 49 provided under Section **41-6a-1642**;
- 50 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
- 51 **41-1a-206** or **41-1a-207**;
- 52 (d) pay the automobile driver education tax required by Section **41-1a-208**;
- 53 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;
- 54 (f) pay the uninsured motorist identification fee under Section **41-1a-1218**, if
- 55 applicable;
- 56 (g) pay the motor carrier fee under Section **41-1a-1219**, if applicable;

57 (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; and

58 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

59 (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
60 been previously registered or that is currently registered under a previous owner's name shall
61 apply for a valid certificate of title in the owner's name before registration.

62 (3) The division may not issue a new registration, transfer of ownership, or registration
63 renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter
64 unless a certificate of title has been or is in the process of being issued in the same owner's
65 name.

66 (4) The division may not issue a new registration, transfer of ownership, or registration
67 renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless
68 a certificate of title has been or is in the process of being issued in the same owner's name.

69 (5) The division may not issue a registration renewal for a motor vehicle if the division
70 has received a hold request as described in Section 72-6-118 involving the motor vehicle for
71 which a registration renewal has been requested.

72 Section 2. Section 41-6a-2004 is amended to read:

73 **41-6a-2004. Captured plate data -- Preservation and disclosure.**

74 (1) Captured plate data obtained for the purposes described in Section 41-6a-2003:

75 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
76 Chapter 2, Government Records Access and Management Act, if the captured plate data is
77 maintained by a governmental entity;

78 (b) may not be used or shared for any purpose other than the purposes described in
79 Section 41-6a-2003;

80 (c) except as provided in Subsection (3), may not be preserved for more than nine
81 months by a governmental entity except pursuant to:

82 (i) a preservation request under Section 41-6a-2005;

83 (ii) a disclosure order under Subsection 41-6a-2005(2); or

84 (iii) a warrant issued under the Utah Rules of Criminal Procedure or an equivalent
85 federal warrant; and

86 (d) may only be disclosed:

87 (i) in accordance with the disclosure requirements for a protected record under Section

88 63G-2-202;

89 (ii) pursuant to a disclosure order under Subsection 41-6a-2005(2); or

90 (iii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
91 equivalent federal warrant.

92 (2) (a) A governmental entity that is authorized to use an automatic license plate reader
93 system under this part may not sell captured plate data for any purpose.

94 (b) A governmental entity that is authorized to use an automatic license plate reader
95 system under this part may not share captured plate data for a purpose not authorized under
96 Subsection 41-6a-2003(2).

97 (c) Notwithstanding the provisions of this section, a governmental entity may preserve
98 and disclose aggregate captured plate data for planning and statistical purposes if the
99 information identifying a specific license plate is not preserved or disclosed.

100 (3) Plate data collected in accordance with Section 72-6-118 may be preserved so long
101 as necessary to collect the payment of a toll or penalty imposed in accordance with Section
102 72-6-118 and the nine-month preservation limitation described in Subsection (1)(c) shall not
103 apply.

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

105 **72-2-120. Tollway Special Revenue Fund -- Revenue.**

106 (1) There is created a special revenue fund within the Transportation Fund known as
107 the "Tollway Special Revenue Fund."

108 (2) The fund shall be funded from the following sources:

109 (a) tolls collected by the department under Section 72-6-118;

110 (b) funds received by the department through a tollway development agreement under
111 Section 72-6-203;

112 (c) appropriations made to the fund by the Legislature;

113 (d) contributions from other public and private sources for deposit into the fund;

114 (e) interest earnings on cash balances; and

115 (f) money collected for repayments and interest on fund money.

116 (3) The Division of Finance [~~shall~~] may create a subaccount for each tollway as defined
117 in Section 72-6-118.

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

119 the department to establish and operate tollways and related facilities and state transportation
120 systems, including design, construction, reconstruction, operation, maintenance, enforcement,
121 impacts from tollways, and the acquisition of right-of-way.

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

123 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**
124 **and collection of tolls -- Amount of tolls -- Rulemaking.**

125 (1) As used in this section:

126 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
127 Section **41-6a-702** that may be used by an operator of a vehicle carrying less than the number
128 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
129 toll or fee.

130 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

131 (c) "Toll lane" means a designated new highway or additional lane capacity that is
132 constructed, operated, or maintained for which a toll is charged for its use.

133 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
134 designed and used as a transportation route that is constructed, operated, or maintained through
135 the use of toll revenues.

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

137 (e) "Tollway development agreement" has the same meaning as defined in Section
138 **72-6-202**.

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

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

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

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

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

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

152 (i) license plate reading technology; and

153 (ii) photographic or video recording technology; and

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

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

161 ~~[(b) Between sessions of the Legislature, a state tollway may be designated or deleted~~
162 ~~if:]~~

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

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

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

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

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

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

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

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

177 (i) a description of the tollway project;

178 (ii) projected traffic on the tollway;

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

180 (iv) projected toll revenue.

181 (4) (a) For a tollway established under this section, the department may:
 182 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
 183 vehicle using the tollway according to the terms of the tollway;
 184 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:
 185 (A) an unpaid toll and the amount of the toll to be paid to the department;
 186 (B) the penalty for failure to pay the toll timely; and
 187 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and
 188 penalty are not paid timely, which would prevent the renewal of the motor vehicle's
 189 registration;
 190 (iii) require that the owner of the motor vehicle pay the toll to the department within 30
 191 days of the date when the department sends written notice of the toll to the owner; and
 192 (iv) impose a penalty for failure to pay a toll timely.
 193 (b) The department shall mail the correspondence and notice described in Subsection
 194 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.
 195 (5) (a) The Division of Motor Vehicles and the department shall share and provide
 196 access to information pertaining to a motor vehicle and tollway enforcement including:
 197 (i) registration and ownership information pertaining to a motor vehicle;
 198 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
 199 penalty imposed under this section; and
 200 (iii) the status of a request for a hold on the registration of a motor vehicle.
 201 (b) If the department requests a hold on the registration in accordance with this section,
 202 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
 203 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or
 204 penalty imposed under this section for usage of a tollway involving the motor vehicle for which
 205 registration renewal has been requested until the department withdraws the hold request.
 206 [~~(4)~~] (6) (a) Except as provided in Subsection [~~(4)~~] (6)(b), in accordance with Title
 207 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall:
 208 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and
 209 (ii) for tolls established under Subsection [~~(4)~~] (6)(b), set:
 210 (A) an increase in a toll rate or user fee above an increase specified in a tollway
 211 development agreement; or

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

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

217 [~~5~~] (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
218 Act, the department shall make rules:

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

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

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

223 (b) The rules shall:

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

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

226 [~~6~~] (8) (a) The commission may provide funds for public or private tollway pilot
227 projects or high occupancy toll lanes from General Fund money appropriated by the Legislature
228 to the commission for that purpose.

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

231 [~~7~~] (9) (a) Except as provided in Subsection [~~7~~] (9)(b), all revenue generated from a
232 tollway on a state highway shall be deposited into the Tollway Special Revenue Fund created
233 in Section 72-2-120 and used for acquisition of right-of-way and the design, construction,
234 reconstruction, operation, maintenance, enforcement of state transportation systems and
235 facilities, including operating improvements to the tollway, and other facilities used exclusively
236 for the operation of a tollway facility within the corridor served by the tollway.

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

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

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

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

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

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

249 (c) may only be preserved:

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

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

254 (d) may only be disclosed:

255 (i) in accordance with the disclosure requirements for a protected record under Section
256 [63G-2-202](#); or

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

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

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