

1 **TRANSPORTATION GOVERNANCE AND FUNDING**

2 **REVISIONS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Kay J. Christofferson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to transportation including transportation
11 reinvestment zones, public transit districts, local option sales and use taxes,
12 transportation governance, and a road usage charge program.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ amends provisions related to transportation reinvestment zones;
- 16 ▶ amends provisions related to public transit district governance structure and
17 responsibilities;
- 18 ▶ renames the local advisory board of a large public transit district as a "local advisory
19 council";
- 20 ▶ repeals a provision related to the name of a large public transit district;
- 21 ▶ amends the procedure for appointment to the board of trustees of a large public
22 transit district;
- 23 ▶ requires two or more entities providing public transit services in adjacent or
24 overlapping areas to integrate and coordinate services and fees with oversight by the
25 Department of Transportation;
- 26 ▶ allows a public transit district to exclude applicants for certain positions of
27 employment based on results of a background check;
- 28 ▶ amends definitions related to motor vehicles;
- 29 ▶ amends provisions related to motor vehicle registration;

- 30 ▶ amends allowable uses of certain local option sales and use tax revenue;
- 31 ▶ makes technical changes regarding local option sales and use taxes;
- 32 ▶ amends provisions related to the governance structure and duties of certain positions
- 33 within the Department of Transportation;
- 34 ▶ amends certain provisions related to transportation funding procedures;
- 35 ▶ exempts the Transportation Commission from certain restrictions on setting rates
- 36 for certain programs administered by the Department of Transportation;
- 37 ▶ creates a road usage charge program, requires the Department of Transportation to
- 38 administer the program, and grants rulemaking authority;
- 39 ▶ amends provisions related to the State Infrastructure Bank;
- 40 ▶ amends certain provisions pertaining to anonymized location data of certain
- 41 connected vehicles; and
- 42 ▶ makes technical changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 This bill provides a coordination clause.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **11-13-227**, as enacted by Laws of Utah 2018, Chapter 424

51 **17B-1-311**, as last amended by Laws of Utah 2013, Chapter 448

52 **17B-2a-802**, as last amended by Laws of Utah 2018, Chapter 424

53 **17B-2a-807.1**, as enacted by Laws of Utah 2018, Chapter 424

54 **17B-2a-808.1**, as enacted by Laws of Utah 2018, Chapter 424

55 **17B-2a-808.2**, as enacted by Laws of Utah 2018, Chapter 424

56 **17B-2a-826**, as last amended by Laws of Utah 2018, Chapter 424

57 **34-52-201**, as enacted by Laws of Utah 2017, Chapter 242

- 58 [41-1a-102](#), as last amended by Laws of Utah 2018, Chapters 166 and 424
- 59 [41-1a-203](#), as last amended by Laws of Utah 2018, Chapter 269
- 60 [41-1a-1206](#), as last amended by Laws of Utah 2018, Chapter 424
- 61 [51-2a-202](#), as last amended by Laws of Utah 2016, Chapter 373
- 62 [59-12-103](#), as amended by Statewide Initiative -- Proposition 3, Nov. 6, 2018
- 63 [59-12-2202](#), as last amended by Laws of Utah 2018, Chapter 424
- 64 [59-12-2203](#), as last amended by Laws of Utah 2018, Chapter 424
- 65 [59-12-2214](#), as last amended by Laws of Utah 2015, Chapter 421
- 66 [59-12-2215](#), as enacted by Laws of Utah 2010, Chapter 263
- 67 [59-12-2216](#), as enacted by Laws of Utah 2010, Chapter 263
- 68 [59-12-2217](#), as last amended by Laws of Utah 2018, Chapter 424
- 69 [59-12-2218](#), as last amended by Laws of Utah 2018, Chapter 424
- 70 [59-12-2219](#), as last amended by Laws of Utah 2018, Chapters 330 and 424
- 71 [59-12-2220](#), as enacted by Laws of Utah 2018, Chapter 424
- 72 [59-13-301](#), as last amended by Laws of Utah 2018, Chapter 281
- 73 [63B-1b-102](#), as last amended by Laws of Utah 2017, Chapter 345
- 74 [63B-18-401](#), as last amended by Laws of Utah 2013, Chapter 389
- 75 [63B-27-101](#), as last amended by Laws of Utah 2018, Chapter 280
- 76 [63I-1-259](#), as last amended by Laws of Utah 2018, Chapter 281
- 77 [72-1-102](#), as last amended by Laws of Utah 2018, Chapter 424
- 78 [72-1-202](#), as last amended by Laws of Utah 2018, Chapter 424
- 79 [72-1-203](#), as last amended by Laws of Utah 2018, Chapter 424
- 80 [72-1-204](#), as last amended by Laws of Utah 2018, Chapter 424
- 81 [72-1-205](#), as renumbered and amended by Laws of Utah 1998, Chapter 270
- 82 [72-1-213](#), as last amended by Laws of Utah 2018, Chapter 424
- 83 [72-1-301](#), as last amended by Laws of Utah 2011, Chapter 336
- 84 [72-1-304](#), as last amended by Laws of Utah 2018, Chapter 424
- 85 [72-2-107](#), as last amended by Laws of Utah 2017, Chapter 144

- 86 [72-2-117.5](#), as last amended by Laws of Utah 2018, Chapter 424
- 87 [72-2-121](#), as last amended by Laws of Utah 2018, Chapters 403 and 424
- 88 [72-2-121.1](#), as last amended by Laws of Utah 2010, Chapters 263 and 278
- 89 [72-2-121.2](#), as last amended by Laws of Utah 2011, Chapter 342
- 90 [72-2-124](#), as last amended by Laws of Utah 2018, Chapter 424
- 91 [72-2-201](#), as last amended by Laws of Utah 2017, Chapter 216
- 92 [72-2-202](#), as last amended by Laws of Utah 2008, Chapter 382
- 93 [72-2-203](#), as last amended by Laws of Utah 2008, Chapter 382
- 94 [72-2-204](#), as last amended by Laws of Utah 2008, Chapter 382
- 95 [72-5-111](#), as last amended by Laws of Utah 2017, Chapter 273
- 96 [72-6-403](#), as enacted by Laws of Utah 2014, Chapter 132
- 97 [72-10-102](#), as last amended by Laws of Utah 2008, Chapters 206 and 286
- 98 [77-23c-101](#), as enacted by Laws of Utah 2014, Chapter 223
- 99 [77-23c-102](#), as last amended by Laws of Utah 2016, Chapter 161

100 ENACTS:

- 101 [17B-2a-807.2](#), Utah Code Annotated 1953
- 102 [17B-2a-827](#), Utah Code Annotated 1953
- 103 [59-12-2212.2](#), Utah Code Annotated 1953
- 104 [72-1-213.1](#), Utah Code Annotated 1953

105 REPEALS:

- 106 [17B-2a-803.1](#), as enacted by Laws of Utah 2018, Chapter 424

107 **Utah Code Sections Affected by Coordination Clause:**

- 108 [77-23c-101](#), as enacted by Laws of Utah 2014, Chapter 223
- 109 [77-23c-102](#), as last amended by Laws of Utah 2016, Chapter 161



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

112 Section 1. Section **11-13-227** is amended to read:

113 **11-13-227. Transportation reinvestment zones.**

114 (1) Subject to the provisions of this part, any two or more public agencies may enter
115 into an agreement with one another to create a transportation reinvestment zone as described in
116 this section.

117 (2) To create a transportation reinvestment zone, two or more public agencies, at least
118 one of which has land use authority over the transportation reinvestment zone area, shall:

- 119 (a) define the transportation infrastructure need and proposed improvement;
- 120 (b) define the boundaries of the zone;
- 121 (c) establish terms for sharing sales tax revenue among the members of the agreement;
- 122 (d) establish a base year to calculate the increase of property tax revenue within the
123 zone;
- 124 (e) establish terms for sharing any increase in property tax revenue within the zone;
- 125 and

126 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public
127 hearing regarding the details of the proposed transportation reinvestment zone.

128 (3) Any agreement to establish a transportation reinvestment zone is subject to the
129 requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.

130 (4) (a) Each public agency that is party to an agreement under this section shall
131 annually publish a report including a statement of the increased tax revenue and the
132 expenditures made in accordance with the agreement.

133 (b) Each public agency that is party to an agreement under this section shall transmit a
134 copy of the report described in Subsection (4)(a) to the state auditor.

135 (5) If any surplus revenue remains in a tax revenue account created as part of a
136 transportation reinvestment zone agreement, the parties may use the surplus for other purposes
137 as determined by agreement of the parties.

138 (6) (a) An action taken under this section is not subject to:

- 139 (i) Section 10-8-2;
- 140 (ii) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;
- 141 (iii) Title 17, Chapter 27a, County Land Use, Development, and Management Act; or

142 (iv) Section 17-50-312.

143 (b) An ordinance, resolution, or agreement adopted under this title is not a land use
144 regulation as defined in Sections 10-9a-103 and 17-27a-103.

145 Section 2. Section 17B-1-311 is amended to read:

146 **17B-1-311. Board member prohibited from district employment -- Exception.**

147 (1) No elected or appointed member of the board of trustees of a local district may,
148 while serving on the board, be employed by the district, whether as an employee or under a
149 contract.

150 (2) No person employed by a local district, whether as an employee or under a contract,
151 may serve on the board of that local district.

152 (3) A local district is not in violation of a prohibition described in Subsection (1) or (2)
153 if the local district:

154 (a) treats a member of a board of trustees as an employee for income tax purposes; and

155 (b) complies with the compensation limits of Section 17B-1-307 for purposes of that
156 member.

157 (4) This section does not apply to a local district if:

158 (a) fewer than 3,000 people live within 40 miles of the primary place of employment,
159 measured over all weather public roads; and

160 (b) with respect to the employment of a board of trustees member under Subsection

161 (1):

162 (i) the job opening has had reasonable public notice; and

163 (ii) the person employed is the best qualified candidate for the position.

164 (5) This section does not apply to a board of trustees of a large public transit district as
165 described in Chapter 2a, Part 8, Public Transit District Act.

166 Section 3. Section 17B-2a-802 is amended to read:

167 **17B-2a-802. Definitions.**

168 As used in this part:

169 (1) "Affordable housing" means housing occupied or reserved for occupancy by

170 households that meet certain gross household income requirements based on the area median
171 income for households of the same size.

172 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
173 households that meet specific area median income targets or ranges of area median income
174 targets.

175 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
176 by households with gross household incomes that are more than 60% of the area median
177 income for households of the same size.

178 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
179 municipality appointing a member to a public transit district board of trustees.

180 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
181 small public transit district to serve as chief executive officer.

182 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
183 defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and
184 responsibilities assigned to the general manager but prescribed by the board of trustees to be
185 fulfilled by the chief executive officer.

186 (4) "Council of governments" means a decision-making body in each county composed
187 of membership including the county governing body and the mayors of each municipality in the
188 county.

189 (5) "Department" means the Department of Transportation created in Section 72-1-201.

190 (6) "Executive director" means a person appointed by the board of trustees of a large
191 public transit district to serve as executive director.

192 (7) (a) "General manager" means a person appointed by the board of trustees of a small
193 public transit district to serve as general manager.

194 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
195 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
196 transit district.

197 (8) "Large public transit district" means a public transit district that provides public

198 transit to an area that includes:

199 (a) more than 65% of the population of the state based on the most recent official
200 census or census estimate of the United States Census Bureau; and

201 (b) two or more counties.

202 (9) (a) "Locally elected public official" means a person who holds an elected position
203 with a county or municipality.

204 (b) "Locally elected public official" does not include a person who holds an elected
205 position if the elected position is not with a county or municipality.

206 (10) "Metropolitan planning organization" means the same as that term is defined in
207 Section [72-1-208.5](#).

208 (11) "Multicounty district" means a public transit district located in more than one
209 county.

210 (12) "Operator" means a public entity or other person engaged in the transportation of
211 passengers for hire.

212 [~~(13) "Public transit" means the transportation of passengers only and their incidental
213 baggage by means other than:~~]

214 [~~(a) chartered bus;~~]

215 [~~(b) sightseeing bus; or~~]

216 [~~(c) taxi.~~]

217 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
218 services that are open to the general public or open to a segment of the general public defined
219 by age, disability, or low income.

220 (b) "Public transit" does not include transportation services provided by:

221 (i) chartered bus;

222 (ii) sightseeing bus;

223 (iii) taxi;

224 (iv) school bus service;

225 (v) courtesy shuttle service for patrons of one or more specific establishments; or

226 (vi) intra-terminal or intra-facility shuttle services.

227 (14) "Public transit district" means a local district that provides public transit services.

228 (15) "Small public transit district" means any public transit district that is not a large
229 public transit district.

230 (16) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
231 or unloading zone, parking lot, or other facility:

232 (a) leased by or operated by or on behalf of a public transit district; and

233 (b) related to the public transit services provided by the district, including:

234 (i) railway or other right-of-way;

235 (ii) railway line; and

236 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
237 a transit vehicle.

238 (17) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
239 operated as public transportation by a public transit district.

240 (18) "Transit-oriented development" means a mixed use residential or commercial area
241 that is designed to maximize access to public transit and includes the development of land
242 owned by a public transit district that serves a county of the first class.

243 (19) "Transit-supportive development" means a mixed use residential or commercial
244 area that is designed to maximize access to public transit and does not include the development
245 of land owned by a public transit district.

246 Section 4. Section **17B-2a-807.1** is amended to read:

247 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**
248 **Quorum -- Compensation -- Terms.**

249 (1) (a) For a large public transit district, the board of trustees shall consist of three
250 members appointed as described in Subsection (1)(b).

251 (b) (i) The governor, with advice and consent of the Senate, shall appoint the members
252 of the board of trustees, making[:] an appointment from nominations given from each region
253 created in Subsection (1)(b)(ii).

254 ~~[(A) one appointment from the nominees described in Subsection (1)(b)(ii);]~~
255 ~~[(B) one appointment from the nominees described in Subsection (1)(b)(iii); and]~~
256 ~~[(C) one appointment from the nominees described in Subsection (1)(b)(iv).]~~
257 ~~[(ii) The chief executive officer of a county of the first class within a large public~~
258 ~~transit district, with approval of the legislative body of the county, shall nominate two or more~~
259 ~~individuals to the governor for appointment to the board of trustees.]~~

260 ~~[(iii) (A) Subject to Subsection (1)(b)(iii)(B), the executive governing individuals or~~
261 ~~bodies of a county or counties of the second class, with a population over 500,000, within a~~
262 ~~large public transit district, shall nominate two or more individuals to the governor for~~
263 ~~appointment to the board of trustees.]~~

264 ~~[(B) To select individuals for nomination, the executive governing individuals or~~
265 ~~bodies described in Subsection (1)(b)(iii)(A) shall consult with the executive governing~~
266 ~~individual or body of a county of the third or smaller class within the large public transit~~
267 ~~district.]~~

268 ~~[(iv) (A) Subject to Subsection (1)(b)(iv)(B), the executive governing individuals or~~
269 ~~bodies of any county or counties of the second class, with a population of 500,000 or less,~~
270 ~~within a large public transit district, shall jointly nominate two or more individuals to the~~
271 ~~governor for appointment to the board of trustees.]~~

272 ~~[(B) To select individuals for nomination, the executive governing individuals or~~
273 ~~bodies described in Subsection (1)(b)(iv)(A) shall consult with the executive governing~~
274 ~~individual or body of a county of the third or smaller class within the large public transit~~
275 ~~district different from a third or smaller class county consulting with the county or counties~~
276 ~~described in Subsection (1)(b)(iii).]~~

277 (ii) (A) Before creation of a large public transit district, the political subdivision or
278 subdivisions forming the large public transit district shall submit to the Legislature for approval
279 a proposal for the creation of three regions for nominating members to the board of trustees of
280 the large public transit district.

281 (B) For a large public transit district created after January 1, 2019, the Legislature, after

282 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate
283 three regions for nominating members to the board of trustees of the large public transit
284 district, and further describe the process for nomination for appointment to the board of
285 trustees.

286 (c) Each nominee shall be a qualified executive with technical and administrative
287 experience and training appropriate for the position.

288 (d) The board of trustees of a large public transit district shall be full-time employees
289 of the public transit district.

290 (e) The compensation package for the board of trustees shall be determined by [~~the~~] a
291 local advisory [~~board~~] council as described in Section [17B-2a-808.2](#).

292 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit
293 district, "quorum" means at least two members of the board of trustees.

294 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

295 (iii) A meeting of a quorum of the board of trustees of a large public transit district is
296 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what
297 constitutes a public meeting.

298 (2) (a) Subject to Subsections (3) and (4), each member of the board of trustees of a
299 large public transit district shall serve for a term of [~~three~~] four years.

300 (b) A member of the board of trustees may serve an unlimited number of terms.

301 (3) Each member of the board of trustees of a large public transit district shall serve at
302 the pleasure of the governor.

303 (4) The first time the board of trustees is appointed under this section, the governor
304 shall stagger the initial term of each of the members of the board of trustees as follows:

305 (a) one member of the board of trustees shall serve an initial term of two years;

306 (b) one member of the board of trustees shall serve an initial term of three years; and

307 (c) one member of the board of trustees shall serve an initial term of four years.

308 (5) The governor shall designate one member of the board of trustees as chair of the
309 board of trustees.

310 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
 311 individual shall occur in the same manner described in Subsection (1) for the member creating
 312 the vacancy.

313 (b) A replacement board member shall serve for the remainder of the unexpired term,
 314 but may serve an unlimited number of terms as provided in Subsection (2)(b).

315 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy
 316 within 60 days, the governor shall appoint an individual to fill the vacancy.

317 ~~[(7) For any large public transit district in existence as of May 8, 2018:]~~

318 ~~[(a) the individuals or bodies providing nominations as described in this section shall
 319 provide the nominations to the governor as described in this section before July 31, 2018;]~~

320 ~~[(b) the governor shall appoint the members of the board of trustees before August 31,
 321 2018; and]~~

322 ~~[(c) the new board shall assume control of the large public transit district on or before
 323 November 1, 2018.]~~

324 Section 5. Section **17B-2a-807.2** is enacted to read:

325 **17B-2a-807.2. Existing large public transit district board of trustees --**

326 **Appointment -- Quorum -- Compensation -- Terms.**

327 (1) (a) (i) For a large public transit district created before January 1, 2019, and except
 328 as provided in Subsection (7), the board of trustees shall consist of three members appointed as
 329 described in Subsection (1)(b).

330 (ii) For purposes of a large public transit district created before January 1, 2019, the
 331 nominating regions are as follows:

332 (A) a central region that is Salt Lake County;

333 (B) a southern region that is comprised of Utah County and the portion of Tooele
 334 County that is part of the large public transit district; and

335 (C) a northern region that is comprised of Davis County, Weber County, and the
 336 portion of Box Elder County that is part of the large public transit district.

337 (iii) (A) If a large public transit district created before January 1, 2019, annexes an

338 additional county into the large public transit district pursuant to Section 17B-1-402, following
339 the issuance of the certificate of annexation by the lieutenant governor, the political
340 subdivisions making up the large public transit district shall submit to the Legislature for
341 approval a proposal for the creation of three regions for nominating members to the board of
342 trustees of the large public transit district.

343 (B) If a large public transit district created before January 1, 2019, has a change to the
344 boundaries of the large public transit district, the Legislature, after receiving and considering
345 the proposal described in Subsection (1)(a)(iii)(A), shall designate the three regions for
346 nominating members to the board of trustees of the large public transit district.

347 (b) (i) Except as provided in Subsection (5), the governor, with advice and consent of
348 the Senate, shall appoint the members of the board of trustees, making:

349 (A) one appointment from individuals nominated from the central region as described
350 in Subsection (2);

351 (B) one appointment from individuals nominated from the southern region described in
352 Subsection (3); and

353 (C) one appointment from individuals nominated from the northern region described in
354 Subsection (4).

355 (2) For the appointment from the central region, the governor shall appoint one
356 individual selected from five individuals nominated as follows:

357 (a) two individuals nominated by the council of governments of Salt Lake County; and

358 (b) three individuals nominated by the mayor of Salt Lake County, with approval of the
359 Salt Lake County council.

360 (3) For the appointment from the southern region, the governor shall appoint one
361 individual selected from five individuals nominated as follows:

362 (a) two individuals nominated by the council of governments of Utah County;

363 (b) two individuals nominated by the county commission of Utah County; and

364 (c) one individual nominated by the county commission of Tooele County.

365 (4) For the appointment from the northern region, the governor shall appoint one

366 individual selected from five individuals nominated as follows:

367 (a) one individual nominated by the council of governments of Davis County;

368 (b) one individual nominated by the council of governments of Weber County;

369 (c) one individual nominated by the county commission of Davis County;

370 (d) one individual nominated by the county commission of Weber County; and

371 (e) one individual nominated by the county commission of Box Elder County.

372 (5) If the governor fails to appoint one of the individuals nominated as described in

373 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the following

374 appointment procedures apply:

375 (a) for an appointment for the central region, the Salt Lake County council shall

376 appoint an individual, with confirmation by the Senate;

377 (b) for an appointment for the southern region, the Utah County commission shall

378 appoint an individual, in consultation with the Tooele County commission, with confirmation

379 by the Senate; and

380 (c) for an appointment for the northern region, the Davis County commission and the

381 Weber County commission, collectively, and in consultation with the Box Elder County

382 commission, shall appoint an individual, with confirmation by the Senate.

383 (6) (a) Each nominee shall be a qualified executive with technical and administrative
384 experience and training appropriate for the position.

385 (b) The board of trustees of a large public transit district shall be full-time employees
386 of the public transit district.

387 (c) The compensation package for the board of trustees shall be determined by the local
388 advisory council as described in Section [17B-2a-808.2](#).

389 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit
390 district, "quorum" means at least two members of the board of trustees.

391 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

392 (iii) A meeting of a quorum of a board of trustees of a large public transit district is

393 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what

394 constitutes a public meeting.

395 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public
396 transit district shall serve for a term of four years.

397 (b) A member of the board of trustees may serve an unlimited number of terms.

398 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a
399 term of a member of the board of trustees, if the respective nominating entities and individuals
400 for the respective region described in Subsection (2), (3), or (4), unanimously agree to retain
401 the existing member of the board of trustees, the respective nominating individuals or bodies
402 described in Subsection (2), (3), or (4) are not required to make nominations to the governor,
403 and the governor may reappoint the existing member to the board of trustees.

404 (8) Each member of the board of trustees of a large public transit district shall serve at
405 the pleasure of the governor.

406 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit
407 district that is in place as of February 1, 2019, may remain in place.

408 (10) The governor shall designate one member of the board of trustees as chair of the
409 board of trustees.

410 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
411 individual shall occur in the same manner described in Subsection (2), (3), or (4), and, if
412 applicable, Subsection (5), for the respective member of the board of trustees creating the
413 vacancy.

414 (b) If a vacancy occurs on the board of trustees of a large public transit district, the
415 respective nominating region shall nominate individuals to the governor as described in this
416 section within 60 days after the vacancy occurs.

417 (c) If the respective nominating region does not nominate to fill the vacancy within 60
418 days, the governor shall appoint an individual to fill the vacancy.

419 (d) A replacement board member shall serve for the remainder of the unexpired term,
420 but may serve an unlimited number of terms as provided in Subsection (7)(b).

421 Section 6. Section **17B-2a-808.1** is amended to read:

422 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
423 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

424 (1) The powers and duties of a board of trustees of a large public transit district stated
425 in this section are in addition to the powers and duties stated in Section [17B-1-301](#).

426 (2) The board of trustees of each large public transit district shall:

427 (a) hold public meetings and receive public comment;

428 (b) ensure that the policies, procedures, and management practices established by the
429 public transit district meet state and federal regulatory requirements and federal grantee
430 eligibility;

431 (c) subject to Subsection (8), create and approve an annual budget, including the
432 issuance of bonds and other financial instruments, after consultation with the local advisory
433 [board] council;

434 (d) approve any interlocal agreement with a local jurisdiction;

435 (e) in consultation with the local advisory [board] council, approve contracts and
436 overall property acquisitions and dispositions for transit-oriented development;

437 (f) in consultation with constituent counties, municipalities, metropolitan planning
438 organizations, and the local advisory [board] council:

439 (i) develop and approve a strategic plan for development and operations on at least a
440 four-year basis; and

441 (ii) create and pursue funding opportunities for transit capital and service initiatives to
442 meet anticipated growth within the public transit district;

443 (g) annually report the public transit district's long-term financial plan to the State
444 Bonding Commission;

445 (h) annually report the public transit district's progress and expenditures related to state
446 resources to the Executive Appropriations Committee and the Infrastructure and General
447 Government Appropriations Subcommittee;

448 (i) annually report to the Transportation Interim Committee the public transit district's
449 efforts to engage in public-private partnerships for public transit services;

450 ~~[(i)]~~ (j) (i) in partnership with the Department of Transportation, study and evaluate the
451 feasibility of a strategic transition of a large public transit district into a state entity; and
452 (ii) in partnership with the Department of Transportation, before November 30 ~~[of each~~
453 ~~year]~~, 2019, report on the progress of the study to the Transportation Interim Committee and
454 the Infrastructure and General Government Appropriations Subcommittee;

455 ~~[(j)]~~ (k) hire, set salaries, and develop performance targets and evaluations for:
456 (i) the executive director; and
457 (ii) all chief level officers;
458 ~~[(ii) the chief internal auditor;]~~
459 ~~[(iii) the chief people officer;]~~
460 ~~[(iv) any vice president level officer; and]~~
461 ~~[(v) the chief safety, security, and technology officer;]~~
462 ~~[(k)]~~ (l) supervise and regulate each transit facility that the public transit district owns
463 and operates, including:
464 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
465 charges; and
466 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
467 connection with a transit facility that the district owns or controls;

468 ~~[(i)]~~ (m) subject to Subsection (4), control the investment of all funds assigned to the
469 district for investment, including funds:
470 (i) held as part of a district's retirement system; and
471 (ii) invested in accordance with the participating employees' designation or direction
472 pursuant to an employee deferred compensation plan established and operated in compliance
473 with Section 457 of the Internal Revenue Code;

474 ~~[(m)]~~ (n) in consultation with the local advisory ~~[board]~~ council created under Section
475 17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51,
476 Chapter 7, State Money Management Act;

477 ~~[(n)]~~ (o) if a custodian is appointed under Subsection (3)(d), and subject to Subsection

478 (4), pay the fees for the custodian's services from the interest earnings of the investment fund
479 for which the custodian is appointed;

480 ~~(t)~~ (p) (i) cause an annual audit of all public transit district books and accounts to be
481 made by an independent certified public accountant;

482 (ii) as soon as practicable after the close of each fiscal year, submit to each of the
483 councils of governments within the public transit district a financial report showing:

484 (A) the result of district operations during the preceding fiscal year;

485 (B) an accounting of the expenditures of all local sales and use tax revenues generated
486 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

487 (C) the district's financial status on the final day of the fiscal year; and

488 (D) the district's progress and efforts to improve efficiency relative to the previous
489 fiscal year; and

490 (iii) supply copies of the report under Subsection (2)~~(t)~~(p)(ii) to the general public
491 upon request;

492 ~~(t)~~ (q) report at least annually to the Transportation Commission created in Section
493 72-1-301, which report shall include:

494 (i) the district's short-term and long-range public transit plans, including the portions of
495 applicable regional transportation plans adopted by a metropolitan planning organization
496 established under 23 U.S.C. Sec. 134; and

497 (ii) any transit capital development projects that the board of trustees would like the
498 Transportation Commission to consider;

499 ~~(t)~~ (r) direct the internal auditor appointed under Section 17B-2a-810 to conduct
500 audits that the board of trustees determines, in consultation with the local advisory [~~board~~]
501 council created in Section 17B-2a-808.2, to be the most critical to the success of the
502 organization;

503 ~~(t)~~ (s) together with the local advisory [~~board~~] council created in Section
504 17B-2a-808.2, hear audit reports for audits conducted in accordance with Subsection
505 (2)~~(t)~~(p);

506 [~~s~~] (t) review and approve all contracts pertaining to reduced fares, and evaluate
507 existing contracts, including review of:

- 508 (i) how negotiations occurred;
- 509 (ii) the rationale for providing a reduced fare; and
- 510 (iii) identification and evaluation of cost shifts to offset operational costs incurred and
511 impacted by each contract offering a reduced fare;

512 [~~t~~] (u) in consultation with the local advisory [~~board~~] council, develop and approve
513 other board policies, ordinances, and bylaws; and

514 [~~tt~~] (v) review and approve any:

- 515 (i) contract or expense exceeding \$200,000; or
- 516 (ii) proposed change order to an existing contract if the value of the change order
517 exceeds:

- 518 (A) 15% of the total contract; or
- 519 (B) \$200,000.
- 520 (3) A board of trustees of a large public transit district may:

- 521 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that
522 are:

- 523 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
524 provisions of this part; and
- 525 (ii) necessary for:

- 526 (A) the governance and management of the affairs of the district;
- 527 (B) the execution of district powers; and
- 528 (C) carrying into effect the provisions of this part;

- 529 (b) provide by resolution, under terms and conditions the board considers fit, for the
530 payment of demands against the district without prior specific approval by the board, if the
531 payment is:

- 532 (i) for a purpose for which the expenditure has been previously approved by the board;
- 533 (ii) in an amount no greater than the amount authorized; and

534 (iii) approved by the executive director or other officer or deputy as the board
535 prescribes;

536 (c) in consultation with the local advisory [~~board~~] council created in Section
537 [17B-2a-808.2](#):

538 (i) hold public hearings and subpoena witnesses; and

539 (ii) appoint district officers to conduct a hearing and require the officers to make
540 findings and conclusions and report them to the board; and

541 (d) appoint a custodian for the funds and securities under its control, subject to
542 Subsection (2)[~~(n)~~](o).

543 (4) For a large public transit district in existence as of May 8, 2018, on or before
544 September 30, 2019, the board of trustees of a large public transit district shall present a report
545 to the Transportation Interim Committee regarding retirement benefits of the district, including:

546 (a) the feasibility of becoming a participating employer and having retirement benefits
547 of eligible employees and officials covered in applicable systems and plans administered under
548 Title 49, Utah State Retirement and Insurance Benefit Act;

549 (b) any legal or contractual restrictions on any employees that are party to a collectively
550 bargained retirement plan; and

551 (c) a comparison of retirement plans offered by the large public transit district and
552 similarly situated public employees, including the costs of each plan and the value of the
553 benefit offered.

554 (5) The board of trustees may not issue a bond unless the board of trustees has
555 consulted and received approval from the State Bonding Commission created in Section
556 [63B-1-201](#).

557 (6) A member of the board of trustees of a large public transit district or a hearing
558 officer designated by the board may administer oaths and affirmations in a district investigation
559 or proceeding.

560 (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll
561 call vote with each affirmative and negative vote recorded.

562 (b) The board of trustees of a large public transit district may not adopt an ordinance
563 unless it is introduced at least 24 hours before the board of trustees adopts it.

564 (c) Each ordinance adopted by a large public transit district's board of trustees shall
565 take effect upon adoption, unless the ordinance provides otherwise.

566 (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for
567 calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.

568 (b) The budget described in Subsection (8)(a) shall include setting the salary of each of
569 the members of the board of trustees that will assume control on or before November 1, 2018,
570 which salary may not exceed \$150,000, plus additional retirement and other standard benefits,
571 as set by the local advisory council as described in Section 17B-2a-808.2.

572 (c) For a large public transit district in existence on May 8, 2018, the board of trustees
573 that assumes control of the large public transit district on or before November 2, 2018, shall
574 approve the calendar year 2019 budget on or before December 31, 2018.

575 Section 7. Section **17B-2a-808.2** is amended to read:

576 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**
577 **duties.**

578 (1) A large public transit district shall create and consult with a local advisory [~~board~~]
579 council.

580 (2) (a) [~~The~~] (i) For a large public transit district in existence as of January 1, 2019, the
581 local advisory [~~board~~] council shall have membership selected as described in Subsection
582 (2)(b) [~~on or before November 1, 2018~~].

583 (ii) (A) For a large public transit district created after January 1, 2019, the political
584 subdivision or subdivisions forming the large public transit district shall submit to the
585 Legislature for approval a proposal for the appointments to the local advisory council of the
586 large public transit district similar to the appointment process described in Subsection (2)(b).

587 (B) Upon approval of the Legislature, each nominating individual or body shall appoint
588 individuals to the local advisory council.

589 (b) (i) The council of governments of [~~a county of the first class within a large public~~

590 ~~transit district]~~ Salt Lake County shall appoint three members to the local advisory [~~board]~~
591 council.

592 (ii) [~~The chief executive officer of a city that is the county seat within a county of the~~
593 ~~first class within a large public transit district]~~ The mayor of Salt Lake City shall appoint one
594 member to the local advisory [~~board]~~ council.

595 (iii) The council of governments of [~~a county of the second class with a population of~~
596 ~~500,000 or more within a large public transit district]~~ Utah County shall appoint two members
597 to the local advisory [~~board]~~ council.

598 (iv) The council of governments of [~~a county of the second class with a population~~
599 ~~under 500,000 within a large public transit district]~~ Davis County and Weber County shall each
600 appoint one member to the local advisory [~~board]~~ council.

601 (v) The councils of governments of [~~any counties of the third class or smaller within a~~
602 ~~large public transit district]~~ Box Elder County and Tooele County shall jointly appoint one
603 member to the local advisory [~~board]~~ council.

604 [~~The population numbers used to apportion appointment powers described in~~
605 ~~Subsection (2)(b) shall be based on the most recent official census or census estimate of the~~
606 ~~United States Census Bureau.]~~

607 (3) The local advisory [~~board]~~ council shall meet at least quarterly in a meeting open to
608 the public for comment to discuss the service, operations, and any concerns with the public
609 transit district operations and functionality.

610 (4) The duties of the local advisory [~~board]~~ council shall include:

611 (a) setting the compensation packages of the board of trustees, which salary may not
612 exceed \$150,000, plus additional retirement and other standard benefits;

613 (b) reviewing, approving, and recommending final adoption by the board of trustees of
614 the large public transit district service plans at least every two and one-half years;

615 (c) reviewing, approving, and recommending final adoption by the board of trustees of
616 project development plans, including funding, of all new capital development projects;

617 (d) reviewing, approving, and recommending final adoption by the board of trustees of

618 any plan for a transit-oriented development where a large public transit district is involved;

619 (e) at least annually, engaging with the safety and security team of the large public
620 transit district to ensure coordination with local municipalities and counties;

621 (f) assisting with coordinated mobility and constituent services provided by the public
622 transit district;

623 (g) representing and advocating the concerns of citizens within the public transit
624 district to the board of trustees; and

625 (h) other duties described in Section [17B-2a-808.1](#).

626 (5) The local advisory [~~board~~] council shall meet at least quarterly with and consult
627 with the board of trustees and advise regarding the operation and management of the public
628 transit district.

629 Section 8. Section **17B-2a-826** is amended to read:

630 **17B-2a-826. Public transit district office of constituent services and office of**
631 **coordinated mobility.**

632 (1) (a) The board of trustees of a large public transit district shall create and employ an
633 office of constituent services.

634 (b) The duties of the office of constituent services described in Subsection (1)(a) shall
635 include:

636 (i) establishing a central call number to hear and respond to complaints, requests,
637 comments, concerns, and other communications from customers and citizens within the
638 district;

639 (ii) keeping a log of the complaints, comments, concerns, and other communications
640 from customers and citizens within the district; and

641 (iii) reporting complaints, comments, concerns, and other communications to
642 management and to the local advisory [~~board~~] council created in Section [17B-2a-808.2](#).

643 (2) (a) A large public transit district shall create and employ an office of coordinated
644 mobility.

645 (b) The duties of the office of coordinated mobility shall include:

- 646 (i) establishing a central call number to facilitate human services transportation;
- 647 (ii) coordinating all human services transportation needs within the public transit
- 648 district;
- 649 (iii) receiving requests and other communications regarding human services
- 650 transportation;
- 651 (iv) receiving requests and other communications regarding vans, buses, and other
- 652 vehicles available for use from the public transit district to maximize the utility of and
- 653 investment in those vehicles; and
- 654 (v) supporting local efforts and applications for additional funding.

655 Section 9. Section **17B-2a-827** is enacted to read:

656 **17B-2a-827. Integration of public transit services and facilities.**

657 (1) If a public transit district provides public transit services in an area that is adjacent
658 to or overlaps with an area in which public transit services are also provided by another public
659 transit provider, including a public-private partnership entity, the public transit district and the
660 public transit provider entity shall ensure that:

661 (a) any public transit facilities of one provider connect with the public transit facilities
662 of the other provider;

663 (b) the schedules of all relevant public transit providers are coordinated as one public
664 transit system; and

665 (c) (i) if both public transit providers collect a fare directly from public transit
666 passengers, an integrated and uniform fare system is implemented across the coordinated
667 public transit system; and

668 (ii) the revenue generated from the uniform fare system is equitably divided among the
669 public transit providers according to service provided and mileage covered.

670 (2) A public transit district and a public transit provider, including a public-private
671 partnership entity, may negotiate the ability of one public transit provider to operate on the
672 transit facilities of the other public transit provider.

673 (3) (a) The Department of Transportation shall oversee the negotiation, integration, and

674 coordination described in Subsection (1).

675 (b) For the negotiation, integration, or coordination between a public transit district and
676 a public-private partnership, the oversight described in Subsection (3)(a) applies only to
677 fixed-route bus or rail services.

678 Section 10. Section **34-52-201** is amended to read:

679 **34-52-201. Employer requirements.**

680 (1) A public employer may not exclude an applicant from an initial interview because
681 of a past criminal conviction.

682 (2) A public employer excludes an applicant from an initial interview if the public
683 employer:

684 (a) requires an applicant to disclose, on an employment application, a criminal
685 conviction;

686 (b) requires an applicant to disclose, before an initial interview, a criminal conviction;
687 or

688 (c) if no interview is conducted, requires an applicant to disclose, before making a
689 conditional offer of employment, a criminal conviction.

690 (3) Subject to Subsections (1) and (2), nothing in this section prevents an employer
691 from:

692 (a) asking an applicant for information about an applicant's criminal conviction history
693 during an initial interview or after an initial interview; or

694 (b) considering an applicant's conviction history when making a hiring decision.

695 (4) Subsections (1) and (2) do not apply:

696 (a) if federal, state, or local law, including corresponding administrative rules, requires
697 the consideration of an applicant's criminal conviction history;

698 (b) to a public employer that is a law enforcement agency;

699 (c) to a public employer that is part of the criminal or juvenile justice system;

700 (d) to a public employer seeking a nonemployee volunteer;

701 (e) to a public employer that works with children or vulnerable adults;

- 702 (f) to the Department of Alcoholic Beverage Control created in Section [32B-2-203](#);
- 703 (g) to the State Tax Commission; [~~and~~]
- 704 (h) to a public employer whose primary purpose is performing financial or fiduciary
- 705 functions[~~;~~]; and
- 706 (i) to a public transit district hiring or promoting an individual for a safety sensitive
- 707 position described in Section [17B-2a-825](#).

708 Section 11. Section **41-1a-102** is amended to read:

709 **41-1a-102. Definitions.**

710 As used in this chapter:

- 711 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- 712 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
- 713 vehicles as operated and certified to by a weighmaster.
- 714 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
- 715 [41-22-2](#).
- 716 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
- 717 [41-22-2](#).
- 718 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
- 719 [41-22-2](#).
- 720 (6) "Alternative fuel vehicle" means:
- 721 (a) an electric motor vehicle;
- 722 (b) a hybrid electric motor vehicle;
- 723 (c) a plug-in hybrid electric motor vehicle; or
- 724 (d) a motor vehicle powered exclusively by a fuel other than:
- 725 (i) motor fuel;
- 726 (ii) diesel fuel;
- 727 (iii) natural gas; or
- 728 (iv) propane.
- 729 (7) "Amateur radio operator" means any person licensed by the Federal

730 Communications Commission to engage in private and experimental two-way radio operation
731 on the amateur band radio frequencies.

732 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.

733 (9) "Branded title" means a title certificate that is labeled:

734 (a) rebuilt and restored to operation;

735 (b) flooded and restored to operation; or

736 (c) not restored to operation.

737 (10) "Camper" means any structure designed, used, and maintained primarily to be
738 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
739 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
740 camping.

741 (11) "Certificate of title" means a document issued by a jurisdiction to establish a
742 record of ownership between an identified owner and the described vehicle, vessel, or outboard
743 motor.

744 (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
745 weighmaster.

746 (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
747 maintained for the transportation of persons or property that operates:

748 (a) as a carrier for hire, compensation, or profit; or

749 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
750 owner's commercial enterprise.

751 (14) "Commission" means the State Tax Commission.

752 (15) "Consumer price index" means the same as that term is defined in Section
753 59-13-102.

754 (16) "Dealer" means a person engaged or licensed to engage in the business of buying,
755 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
756 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
757 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

758 (17) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

759 (18) "Division" means the Motor Vehicle Division of the commission, created in
760 Section 41-1a-106.

761 (19) "Electric motor vehicle" means a motor vehicle that is powered solely by an
762 electric motor drawing current from a rechargeable energy storage system.

763 (20) "Essential parts" means all integral and body parts of a vehicle of a type required
764 to be registered in this state, the removal, alteration, or substitution of which would tend to
765 conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of
766 operation.

767 (21) "Farm tractor" means every motor vehicle designed and used primarily as a farm
768 implement for drawing plows, mowing machines, and other implements of husbandry.

769 (22) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
770 the owner's or operator's own use in the transportation of:

771 (i) farm products, including livestock and its products, poultry and its products,
772 floricultural and horticultural products;

773 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
774 agricultural, floricultural, horticultural, livestock, and poultry production; and

775 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
776 other purposes connected with the operation of a farm.

777 (b) "Farm truck" does not include the operation of trucks by commercial processors of
778 agricultural products.

779 (23) "Fleet" means one or more commercial vehicles.

780 (24) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
781 this state from another state, territory, or country other than in the ordinary course of business
782 by or through a manufacturer or dealer, and not registered in this state.

783 (25) "Gross laden weight" means the actual weight of a vehicle or combination of
784 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

785 (26) "Highway" or "street" means the entire width between property lines of every way

786 or place of whatever nature when any part of it is open to the public, as a matter of right, for
787 purposes of vehicular traffic.

788 (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
789 energy from onboard sources of stored energy that are both:

790 (a) an internal combustion engine or heat engine using consumable fuel; and

791 (b) a rechargeable energy storage system where energy for the storage system comes
792 solely from sources onboard the vehicle.

793 (28) (a) "Identification number" means the identifying number assigned by the
794 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
795 motor.

796 (b) "Identification number" includes a vehicle identification number, state assigned
797 identification number, hull identification number, and motor serial number.

798 (29) "Implement of husbandry" means every vehicle designed or adapted and used
799 exclusively for an agricultural operation and only incidentally operated or moved upon the
800 highways.

801 (30) (a) "In-state miles" means the total number of miles operated in this state during
802 the preceding year by fleet power units.

803 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
804 total number of miles that those vehicles were towed on Utah highways during the preceding
805 year.

806 (31) "Interstate vehicle" means any commercial vehicle operated in more than one
807 state, province, territory, or possession of the United States or foreign country.

808 (32) "Jurisdiction" means a state, district, province, political subdivision, territory, or
809 possession of the United States or any foreign country.

810 (33) "Lienholder" means a person with a security interest in particular property.

811 (34) "Manufactured home" means a transportable factory built housing unit constructed
812 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
813 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body

814 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
815 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
816 with or without a permanent foundation when connected to the required utilities, and includes
817 the plumbing, heating, air-conditioning, and electrical systems.

818 (35) "Manufacturer" means a person engaged in the business of constructing,
819 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
820 outboard motors for the purpose of sale or trade.

821 (36) "Mobile home" means a transportable factory built housing unit built prior to June
822 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
823 Manufactured Housing and Safety Standards Act (HUD Code).

824 (37) "Motor fuel" means the same as that term is defined in Section [59-13-102](#).

825 (38) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
826 operation on the highways.

827 (b) "Motor vehicle" does not include an off-highway vehicle.

828 (39) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

829 (40) "Motorcycle" means:

830 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
831 more than three wheels in contact with the ground; or

832 (b) an auticycle.

833 (41) "Natural gas" means a fuel of which the primary constituent is methane.

834 (42) (a) "Nonresident" means a person who is not a resident of this state as defined by
835 Section [41-1a-202](#), and who does not engage in intrastate business within this state and does
836 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

837 (b) A person who engages in intrastate business within this state and operates in that
838 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
839 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
840 considered a resident of this state, insofar as that vehicle is concerned in administering this
841 chapter.

842 (43) "Odometer" means a device for measuring and recording the actual distance a
843 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
844 periodically reset.

845 (44) "Off-highway implement of husbandry" means the same as that term is defined in
846 Section [41-22-2](#).

847 (45) "Off-highway vehicle" means the same as that term is defined in Section [41-22-2](#).

848 (46) "Operate" means to drive or be in actual physical control of a vehicle or to
849 navigate a vessel.

850 (47) "Outboard motor" means a detachable self-contained propulsion unit, excluding
851 fuel supply, used to propel a vessel.

852 (48) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
853 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
854 security interest.

855 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
856 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
857 stated in the agreement and with an immediate right of possession vested in the conditional
858 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
859 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
860 chapter.

861 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
862 owner until the lessee exercises the lessee's option to purchase the vehicle.

863 (49) "Park model recreational vehicle" means a unit that:

864 (a) is designed and marketed as temporary living quarters for recreational, camping,
865 travel, or seasonal use;

866 (b) is not permanently affixed to real property for use as a permanent dwelling;

867 (c) requires a special highway movement permit for transit; and

868 (d) is built on a single chassis mounted on wheels with a gross trailer area not
869 exceeding 400 square feet in the setup mode.

870 (50) "Personalized license plate" means a license plate that has displayed on it a
871 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
872 to the vehicle by the division.

873 (51) (a) "Pickup truck" means a two-axle motor vehicle with motive power
874 manufactured, remanufactured, or materially altered to provide an open cargo area.

875 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
876 camper, camper shell, tarp, removable top, or similar structure.

877 (52) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
878 has the capability to charge the battery or batteries used for vehicle propulsion from an
879 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
880 while the vehicle is in motion.

881 (53) "Pneumatic tire" means every tire in which compressed air is designed to support
882 the load.

883 (54) "Preceding year" means a period of 12 consecutive months fixed by the division
884 that is within 16 months immediately preceding the commencement of the registration or
885 license year in which proportional registration is sought. The division in fixing the period shall
886 conform it to the terms, conditions, and requirements of any applicable agreement or
887 arrangement for the proportional registration of vehicles.

888 (55) "Public garage" means every building or other place where vehicles or vessels are
889 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

890 (56) "Receipt of surrender of ownership documents" means the receipt of surrender of
891 ownership documents described in Section [41-1a-503](#).

892 (57) "Reconstructed vehicle" means every vehicle of a type required to be registered in
893 this state that is materially altered from its original construction by the removal, addition, or
894 substitution of essential parts, new or used.

895 (58) "Recreational vehicle" means the same as that term is defined in Section
896 [13-14-102](#).

897 (59) "Registration" means a document issued by a jurisdiction that allows operation of

898 a vehicle or vessel on the highways or waters of this state for the time period for which the
899 registration is valid and that is evidence of compliance with the registration requirements of the
900 jurisdiction.

901 (60) (a) "Registration year" means a 12 consecutive month period commencing with
902 the completion of all applicable registration criteria.

903 (b) For administration of a multistate agreement for proportional registration the
904 division may prescribe a different 12-month period.

905 (61) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
906 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
907 or outboard motor, or by correcting the inoperative part.

908 (62) "Replica vehicle" means:

909 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

910 (b) a custom vehicle that meets the requirements under Subsection

911 41-6a-1507(1)(a)(i)(B).

912 (63) "Road tractor" means every motor vehicle designed and used for drawing other
913 vehicles and constructed so it does not carry any load either independently or any part of the
914 weight of a vehicle or load that is drawn.

915 (64) "Sailboat" means the same as that term is defined in Section 73-18-2.

916 (65) "Security interest" means an interest that is reserved or created by a security
917 agreement to secure the payment or performance of an obligation and that is valid against third
918 parties.

919 (66) "Semitrailer" means every vehicle without motive power designed for carrying
920 persons or property and for being drawn by a motor vehicle and constructed so that some part
921 of its weight and its load rests or is carried by another vehicle.

922 (67) "Special group license plate" means a type of license plate designed for a
923 particular group of people or a license plate authorized and issued by the division in accordance
924 with Section 41-1a-418.

925 (68) (a) "Special interest vehicle" means a vehicle used for general transportation

926 purposes and that is:

927 (i) 20 years or older from the current year; or

928 (ii) a make or model of motor vehicle recognized by the division director as having
929 unique interest or historic value.

930 (b) In making a determination under Subsection (68)(a), the division director shall give
931 special consideration to:

932 (i) a make of motor vehicle that is no longer manufactured;

933 (ii) a make or model of motor vehicle produced in limited or token quantities;

934 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
935 designed exclusively for educational purposes or museum display; or

936 (iv) a motor vehicle of any age or make that has not been substantially altered or
937 modified from original specifications of the manufacturer and because of its significance is
938 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
939 leisure pursuit.

940 (69) (a) "Special mobile equipment" means every vehicle:

941 (i) not designed or used primarily for the transportation of persons or property;

942 (ii) not designed to operate in traffic; and

943 (iii) only incidentally operated or moved over the highways.

944 (b) "Special mobile equipment" includes:

945 (i) farm tractors;

946 (ii) off-road motorized construction or maintenance equipment including backhoes,
947 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

948 (iii) ditch-digging apparatus.

949 (c) "Special mobile equipment" does not include a commercial vehicle as defined
950 under Section [72-9-102](#).

951 (70) "Specially constructed vehicle" means every vehicle of a type required to be
952 registered in this state, not originally constructed under a distinctive name, make, model, or
953 type by a generally recognized manufacturer of vehicles, and not materially altered from its

954 original construction.

955 (71) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

956 (72) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
957 during the preceding year by power units.

958 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
959 the number of miles that those vehicles were towed on the highways of all jurisdictions during
960 the preceding year.

961 (73) "Trailer" means a vehicle without motive power designed for carrying persons or
962 property and for being drawn by a motor vehicle and constructed so that no part of its weight
963 rests upon the towing vehicle.

964 (74) "Transferee" means a person to whom the ownership of property is conveyed by
965 sale, gift, or any other means except by the creation of a security interest.

966 (75) "Transferor" means a person who transfers the person's ownership in property by
967 sale, gift, or any other means except by creation of a security interest.

968 (76) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle
969 without motive power, designed as a temporary dwelling for travel, recreational, or vacation
970 use that does not require a special highway movement permit when drawn by a self-propelled
971 motor vehicle.

972 (77) "Truck tractor" means a motor vehicle designed and used primarily for drawing
973 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
974 and load that is drawn.

975 (78) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
976 camper, park model recreational vehicle, manufactured home, and mobile home.

977 (79) "Vessel" means the same as that term is defined in Section [73-18-2](#).

978 (80) "Vintage vehicle" means the same as that term is defined in Section [41-21-1](#).

979 (81) "Waters of this state" means the same as that term is defined in Section [73-18-2](#).

980 (82) "Weighmaster" means a person, association of persons, or corporation permitted
981 to weigh vehicles under this chapter.

982 Section 12. Section **41-1a-203** is amended to read:

983 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
984 **renewal.**

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

986 (a) obtain an identification number inspection under Section [41-1a-204](#);

987 (b) obtain a certificate of emissions inspection, if required in the current year, as
988 provided under Section [41-6a-1642](#);

989 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
990 [41-1a-206](#) or [41-1a-207](#);

991 (d) pay the automobile driver education tax required by Section [41-1a-208](#);

992 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

993 (f) pay the uninsured motorist identification fee under Section [41-1a-1218](#), if
994 applicable;

995 (g) pay the motor carrier fee under Section [41-1a-1219](#), if applicable;

996 (h) pay any applicable local emissions compliance fee under Section [41-1a-1223](#); and

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

998 (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
999 been previously registered or that is currently registered under a previous owner's name shall
1000 apply for a valid certificate of title in the owner's name before registration.

1001 (3) The division may not issue a new registration, transfer of ownership, or registration
1002 renewal under Section [73-18-7](#) for a vessel or outboard motor that is subject to this chapter
1003 unless a certificate of title has been or is in the process of being issued in the same owner's
1004 name.

1005 (4) The division may not issue a new registration, transfer of ownership, or registration
1006 renewal under Section [41-22-3](#) for an off-highway vehicle that is subject to this chapter unless
1007 a certificate of title has been or is in the process of being issued in the same owner's name.

1008 (5) The division may not issue a registration renewal for a motor vehicle if the division
1009 has received a hold request [~~as described in Section [72-6-118](#) involving~~] for the motor vehicle

1010 for which a registration renewal has been requested[-] as described in:

1011 (a) Section 72-1-213.1; or

1012 (b) Section 72-6-118.

1013 Section 13. Section **41-1a-1206** is amended to read:

1014 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

1015 (1) Except as provided in Subsections (2) and (3), at the time application is made for
1016 registration or renewal of registration of a vehicle or combination of vehicles under this
1017 chapter, a registration fee shall be paid to the division as follows:

1018 (a) \$46.00 for each motorcycle;

1019 (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
1020 motorcycles;

1021 (c) unless the semitrailer or trailer is exempt from registration under Section [41-1a-202](#)
1022 or is registered under Section [41-1a-301](#):

1023 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

1024 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less
1025 gross unladen weight;

1026 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
1027 gross laden weight; plus

1028 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

1029 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm
1030 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

1031 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

1032 (f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
1033 exceeding 14,000 pounds gross laden weight; plus

1034 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

1035 (g) \$45 for each vintage vehicle that is less than 40 years old; and

1036 (h) in addition to the fee described in Subsection (1)(b):

1037 (i) for each electric motor vehicle:

- 1038 (A) \$60 during calendar year 2019;
- 1039 (B) \$90 during calendar year 2020; and
- 1040 (C) \$120 beginning January 1, 2021, and thereafter;
- 1041 (ii) for each hybrid electric motor vehicle:
- 1042 (A) \$10 during calendar year 2019;
- 1043 (B) \$15 during calendar year 2020; and
- 1044 (C) \$20 beginning January 1, 2021, and thereafter;
- 1045 (iii) for each plug-in hybrid electric motor vehicle:
- 1046 (A) \$26 during calendar year 2019;
- 1047 (B) \$39 during calendar year 2020; and
- 1048 (C) \$52 beginning January 1, 2021, and thereafter; and
- 1049 (iv) for any motor vehicle not described in Subsections (1)(h)(i) through (iii) that is
- 1050 fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane:
- 1051 (A) \$60 during calendar year 2019;
- 1052 (B) \$90 during calendar year 2020; and
- 1053 (C) \$120 beginning January 1, 2021, and thereafter.
- 1054 (2) (a) At the time application is made for registration or renewal of registration of a
- 1055 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a
- 1056 registration fee shall be paid to the division as follows:
- 1057 (i) \$34.50 for each motorcycle; and
- 1058 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
- 1059 excluding motorcycles.
- 1060 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal
- 1061 of registration of a vehicle under this chapter for a six-month registration period under Section
- 1062 [41-1a-215.5](#) a registration fee shall be paid to the division as follows:
- 1063 (i) for each electric motor vehicle:
- 1064 (A) \$46.50 during calendar year 2019;
- 1065 (B) \$69.75 during calendar year 2020; and

- 1066 (C) \$93 beginning January 1, 2021, and thereafter;
- 1067 (ii) for each hybrid electric motor vehicle:
- 1068 (A) \$7.50 during calendar year 2019;
- 1069 (B) \$11.25 during calendar year 2020; and
- 1070 (C) \$15 beginning January 1, 2021, and thereafter;
- 1071 (iii) for each plug-in hybrid electric motor vehicle:
- 1072 (A) \$20 during calendar year 2019;
- 1073 (B) \$30 during calendar year 2020; and
- 1074 (C) \$40 beginning January 1, 2021, and thereafter; and
- 1075 (iv) for each motor vehicle not described in Subsections (2)(b)(i) through (iii) that is
- 1076 fueled by a source other than motor fuel, diesel fuel, natural gas, or propane:
- 1077 (A) \$46.50 during calendar year 2019;
- 1078 (B) \$69.75 during calendar year 2020; and
- 1079 (C) \$93 beginning January 1, 2021, and thereafter.
- 1080 (3) (a) (i) Beginning on January 1, 2019, the commission shall, on January 1, annually
- 1081 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i),
- 1082 (1)(e)(i), (1)(f)(i), (1)(g), (2)(a), (4)(a), and (7), by taking the registration fee rate for the
- 1083 previous year and adding an amount equal to the greater of:
- 1084 (A) an amount calculated by multiplying the registration fee of the previous year by the
- 1085 actual percentage change during the previous fiscal year in the Consumer Price Index; and
- 1086 (B) 0.
- 1087 (ii) Beginning on January 1, 2022, the commission shall, on January 1, annually adjust
- 1088 the registration fees described in Subsections (1)(h)(i)(C), (1)(h)(ii)(C), (1)(h)(iii)(C),
- 1089 (1)(h)(iv)(C), (2)(b)(i)(C), (2)(b)(ii)(C), (2)(b)(iii)(C), and (2)(b)(iv)(C) by taking the
- 1090 registration fee rate for the previous year and adding an amount equal to the greater of:
- 1091 (A) an amount calculated by multiplying the registration fee of the previous year by the
- 1092 actual percentage change during the previous fiscal year in the Consumer Price Index; and
- 1093 (B) 0.

1094 (b) The amounts calculated as described in Subsection (3)(a) shall be rounded up to the
1095 nearest 25 cents.

1096 (4) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is
1097 \$40.

1098 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of
1099 registration fees under Subsection (1).

1100 (c) A vehicle with a Purple Heart special group license plate issued in accordance with
1101 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

1102 (d) A camper is exempt from the registration fees under Subsection (1).

1103 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each
1104 motor vehicle shall register for the total gross laden weight of all units of the combination if the
1105 total gross laden weight of the combination exceeds 12,000 pounds.

1106 (6) (a) Registration fee categories under this section are based on the gross laden
1107 weight declared in the licensee's application for registration.

1108 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
1109 of 2,000 pounds is a full unit.

1110 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative
1111 to registering under Subsection (1)(c), apply for and obtain a special registration and license
1112 plate for a fee of \$130.

1113 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm
1114 truck unless:

1115 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

1116 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

1117 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
1118 submits to the division a certificate of emissions inspection or a waiver in compliance with
1119 Section 41-6a-1642.

1120 (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not
1121 less than \$200.

1122 (10) Trucks used exclusively to pump cement, bore wells, or perform crane services
1123 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
1124 required for those vehicles under this section.

1125 Section 14. Section **51-2a-202** is amended to read:

1126 **51-2a-202. Reporting requirements.**

1127 (1) The governing board of each entity required to have an audit, review, compilation,
1128 or fiscal report shall ensure that the audit, review, compilation, or fiscal report is:

1129 (a) made at least annually; and

1130 (b) filed with the state auditor within six months of the close of the fiscal year of the
1131 entity.

1132 (2) If the political subdivision, interlocal organization, or other local entity receives
1133 federal funding, the audit, review, or compilation shall be performed in accordance with both
1134 federal and state auditing requirements.

1135 (3) If a political subdivision receives revenue from a sales and use tax imposed under
1136 Section [59-12-2219](#), the political subdivision shall identify the amount of revenue the political
1137 subdivision budgets for transportation and verify compliance with Subsection [59-12-2219\(13\)](#),
1138 regarding new revenue supplanting existing allocations, in the audit, review, compilation, or
1139 fiscal report.

1140 Section 15. Section **59-12-103** is amended to read:

1141 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
1142 **tax revenues.**

1143 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
1144 sales price for amounts paid or charged for the following transactions:

1145 (a) retail sales of tangible personal property made within the state;

1146 (b) amounts paid for:

1147 (i) telecommunications service, other than mobile telecommunications service, that
1148 originates and terminates within the boundaries of this state;

1149 (ii) mobile telecommunications service that originates and terminates within the

1150 boundaries of one state only to the extent permitted by the Mobile Telecommunications
1151 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
1152 (iii) an ancillary service associated with a:
1153 (A) telecommunications service described in Subsection (1)(b)(i); or
1154 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
1155 (c) sales of the following for commercial use:
1156 (i) gas;
1157 (ii) electricity;
1158 (iii) heat;
1159 (iv) coal;
1160 (v) fuel oil; or
1161 (vi) other fuels;
1162 (d) sales of the following for residential use:
1163 (i) gas;
1164 (ii) electricity;
1165 (iii) heat;
1166 (iv) coal;
1167 (v) fuel oil; or
1168 (vi) other fuels;
1169 (e) sales of prepared food;
1170 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
1171 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
1172 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
1173 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
1174 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
1175 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
1176 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
1177 horseback rides, sports activities, or any other amusement, entertainment, recreation,

1178 exhibition, cultural, or athletic activity;

1179 (g) amounts paid or charged for services for repairs or renovations of tangible personal
1180 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

1181 (i) the tangible personal property; and

1182 (ii) parts used in the repairs or renovations of the tangible personal property described
1183 in Subsection (1)(g)(i), regardless of whether:

1184 (A) any parts are actually used in the repairs or renovations of that tangible personal
1185 property; or

1186 (B) the particular parts used in the repairs or renovations of that tangible personal
1187 property are exempt from a tax under this chapter;

1188 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
1189 assisted cleaning or washing of tangible personal property;

1190 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
1191 accommodations and services that are regularly rented for less than 30 consecutive days;

1192 (j) amounts paid or charged for laundry or dry cleaning services;

1193 (k) amounts paid or charged for leases or rentals of tangible personal property if within
1194 this state the tangible personal property is:

1195 (i) stored;

1196 (ii) used; or

1197 (iii) otherwise consumed;

1198 (l) amounts paid or charged for tangible personal property if within this state the
1199 tangible personal property is:

1200 (i) stored;

1201 (ii) used; or

1202 (iii) consumed; and

1203 (m) amounts paid or charged for a sale:

1204 (i) (A) of a product transferred electronically; or

1205 (B) of a repair or renovation of a product transferred electronically; and

- 1206 (ii) regardless of whether the sale provides:
- 1207 (A) a right of permanent use of the product; or
- 1208 (B) a right to use the product that is less than a permanent use, including a right:
- 1209 (I) for a definite or specified length of time; and
- 1210 (II) that terminates upon the occurrence of a condition.
- 1211 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
- 1212 is imposed on a transaction described in Subsection (1) equal to the sum of:
- 1213 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1214 (A) (I) through March 31, 2019, 4.70%; and
- 1215 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (14)(a); and
- 1216 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
- 1217 and Use Tax Act, if the location of the transaction as determined under Sections [59-12-211](#)
- 1218 through [59-12-215](#) is in a county in which the state imposes the tax under Part 18, Additional
- 1219 State Sales and Use Tax Act; and
- 1220 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
- 1221 and Use Tax Act, if the location of the transaction as determined under Sections [59-12-211](#)
- 1222 through [59-12-215](#) is in a city, town, or the unincorporated area of a county in which the state
- 1223 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 1224 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1225 transaction under this chapter other than this part.
- 1226 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
- 1227 on a transaction described in Subsection (1)(d) equal to the sum of:
- 1228 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 1229 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1230 transaction under this chapter other than this part.
- 1231 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
- 1232 on amounts paid or charged for food and food ingredients equal to the sum of:
- 1233 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at

1234 a tax rate of 1.75%; and

1235 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

1236 amounts paid or charged for food and food ingredients under this chapter other than this part.

1237 (d) (i) For a bundled transaction that is attributable to food and food ingredients and

1238 tangible personal property other than food and food ingredients, a state tax and a local tax is

1239 imposed on the entire bundled transaction equal to the sum of:

1240 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1241 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1242 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State

1243 Sales and Use Tax Act, if the location of the transaction as determined under Sections

1244 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,

1245 Additional State Sales and Use Tax Act; and

1246 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State

1247 Sales and Use Tax Act, if the location of the transaction as determined under Sections

1248 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which

1249 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1250 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates

1251 described in Subsection (2)(a)(ii).

1252 (ii) If an optional computer software maintenance contract is a bundled transaction that

1253 consists of taxable and nontaxable products that are not separately itemized on an invoice or

1254 similar billing document, the purchase of the optional computer software maintenance contract

1255 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1256 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled

1257 transaction described in Subsection (2)(d)(i) or (ii):

1258 (A) if the sales price of the bundled transaction is attributable to tangible personal

1259 property, a product, or a service that is subject to taxation under this chapter and tangible

1260 personal property, a product, or service that is not subject to taxation under this chapter, the

1261 entire bundled transaction is subject to taxation under this chapter unless:

1262 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1263 personal property, product, or service that is not subject to taxation under this chapter from the
1264 books and records the seller keeps in the seller's regular course of business; or

1265 (II) state or federal law provides otherwise; or

1266 (B) if the sales price of a bundled transaction is attributable to two or more items of
1267 tangible personal property, products, or services that are subject to taxation under this chapter
1268 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1269 higher tax rate unless:

1270 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1271 personal property, product, or service that is subject to taxation under this chapter at the lower
1272 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1273 (II) state or federal law provides otherwise.

1274 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the
1275 seller's regular course of business includes books and records the seller keeps in the regular
1276 course of business for nontax purposes.

1277 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)
1278 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
1279 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
1280 of tangible personal property, other property, a product, or a service that is not subject to
1281 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1282 the seller, at the time of the transaction:

1283 (A) separately states the portion of the transaction that is not subject to taxation under
1284 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1285 (B) is able to identify by reasonable and verifiable standards, from the books and
1286 records the seller keeps in the seller's regular course of business, the portion of the transaction
1287 that is not subject to taxation under this chapter.

1288 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1289 (A) after the transaction occurs, the purchaser and the seller discover that the portion of

1290 the transaction that is not subject to taxation under this chapter was not separately stated on an
1291 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1292 ignorance of the law; and

1293 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1294 and records the seller keeps in the seller's regular course of business, the portion of the
1295 transaction that is not subject to taxation under this chapter.

1296 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps
1297 in the seller's regular course of business includes books and records the seller keeps in the
1298 regular course of business for nontax purposes.

1299 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible
1300 personal property, products, or services that are subject to taxation under this chapter at
1301 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1302 unless the seller, at the time of the transaction:

1303 (A) separately states the items subject to taxation under this chapter at each of the
1304 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1305 (B) is able to identify by reasonable and verifiable standards the tangible personal
1306 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1307 from the books and records the seller keeps in the seller's regular course of business.

1308 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the
1309 seller's regular course of business includes books and records the seller keeps in the regular
1310 course of business for nontax purposes.

1311 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax
1312 rate imposed under the following shall take effect on the first day of a calendar quarter:

1313 (i) Subsection (2)(a)(i)(A);

1314 (ii) Subsection (2)(b)(i);

1315 (iii) Subsection (2)(c)(i); or

1316 (iv) Subsection (2)(d)(i)(A)(I).

1317 (h) (i) A tax rate increase takes effect on the first day of the first billing period that

- 1318 begins on or after the effective date of the tax rate increase if the billing period for the
1319 transaction begins before the effective date of a tax rate increase imposed under:
- 1320 (A) Subsection (2)(a)(i)(A);
 - 1321 (B) Subsection (2)(b)(i);
 - 1322 (C) Subsection (2)(c)(i); or
 - 1323 (D) Subsection (2)(d)(i)(A)(I).
- 1324 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1325 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1326 or the tax rate decrease imposed under:
- 1327 (A) Subsection (2)(a)(i)(A);
 - 1328 (B) Subsection (2)(b)(i);
 - 1329 (C) Subsection (2)(c)(i); or
 - 1330 (D) Subsection (2)(d)(i)(A)(I).
- 1331 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
1332 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
1333 change in a tax rate takes effect:
- 1334 (A) on the first day of a calendar quarter; and
 - 1335 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1336 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:
- 1337 (A) Subsection (2)(a)(i)(A);
 - 1338 (B) Subsection (2)(b)(i);
 - 1339 (C) Subsection (2)(c)(i); or
 - 1340 (D) Subsection (2)(d)(i)(A)(I).
- 1341 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1342 the commission may by rule define the term "catalogue sale."
- 1343 (3) (a) The following state taxes shall be deposited into the General Fund:
- 1344 (i) the tax imposed by Subsection (2)(a)(i)(A);
 - 1345 (ii) the tax imposed by Subsection (2)(b)(i);

- 1346 (iii) the tax imposed by Subsection (2)(c)(i); or
- 1347 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).
- 1348 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1349 in this chapter:
- 1350 (i) the tax imposed by Subsection (2)(a)(ii);
- 1351 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1352 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1353 (iv) the tax imposed by Subsection (2)(d)(i)(B).
- 1354 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1355 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
- 1356 through (g):
- 1357 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1358 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1359 (B) for the fiscal year; or
- 1360 (ii) \$17,500,000.
- 1361 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1362 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the
- 1363 Department of Natural Resources to:
- 1364 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
- 1365 protect sensitive plant and animal species; or
- 1366 (B) award grants, up to the amount authorized by the Legislature in an appropriations
- 1367 act, to political subdivisions of the state to implement the measures described in Subsections
- 1368 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
- 1369 (ii) Money transferred to the Department of Natural Resources under Subsection
- 1370 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
- 1371 person to list or attempt to have listed a species as threatened or endangered under the
- 1372 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- 1373 (iii) At the end of each fiscal year:

1374 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1375 Conservation and Development Fund created in Section 73-10-24;

1376 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1377 Program Subaccount created in Section 73-10c-5; and

1378 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1379 Program Subaccount created in Section 73-10c-5.

1380 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1381 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1382 created in Section 4-18-106.

1383 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1384 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
1385 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
1386 water rights.

1387 (ii) At the end of each fiscal year:

1388 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
1389 Conservation and Development Fund created in Section 73-10-24;

1390 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
1391 Program Subaccount created in Section 73-10c-5; and

1392 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
1393 Program Subaccount created in Section 73-10c-5.

1394 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
1395 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1396 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1397 (ii) In addition to the uses allowed of the Water Resources Conservation and
1398 Development Fund under Section 73-10-24, the Water Resources Conservation and
1399 Development Fund may also be used to:

1400 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1401 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of

1402 quantifying surface and ground water resources and describing the hydrologic systems of an
1403 area in sufficient detail so as to enable local and state resource managers to plan for and
1404 accommodate growth in water use without jeopardizing the resource;

1405 (B) fund state required dam safety improvements; and

1406 (C) protect the state's interest in interstate water compact allocations, including the
1407 hiring of technical and legal staff.

1408 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1409 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1410 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1411 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1412 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1413 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1414 (i) provide for the installation and repair of collection, treatment, storage, and
1415 distribution facilities for any public water system, as defined in Section 19-4-102;

1416 (ii) develop underground sources of water, including springs and wells; and

1417 (iii) develop surface water sources.

1418 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1419 2006, the difference between the following amounts shall be expended as provided in this
1420 Subsection (5), if that difference is greater than \$1:

1421 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1422 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1423 (ii) \$17,500,000.

1424 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1425 (A) transferred each fiscal year to the Department of Natural Resources as dedicated
1426 credits; and

1427 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1428 restoration.

1429 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described

1430 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund
1431 created in Section 73-10-24.

1432 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1433 remaining difference described in Subsection (5)(a) shall be:

1434 (A) transferred each fiscal year to the Division of Water Resources as dedicated
1435 credits; and

1436 (B) expended by the Division of Water Resources for cloud-seeding projects
1437 authorized by Title 73, Chapter 15, Modification of Weather.

1438 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
1439 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund
1440 created in Section 73-10-24.

1441 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1442 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1443 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1444 Division of Water Resources for:

1445 (i) preconstruction costs:

1446 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1447 26, Bear River Development Act; and

1448 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1449 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1450 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1451 Chapter 26, Bear River Development Act;

1452 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1453 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1454 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1455 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1456 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to
1457 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be

1458 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
1459 incurred for employing additional technical staff for the administration of water rights.

1460 (f) At the end of each fiscal year, any unexpended dedicated credits described in
1461 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development
1462 Fund created in Section [73-10-24](#).

1463 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the
1464 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection
1465 (1) for the fiscal year shall be deposited as follows:

1466 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
1467 shall be deposited into the Transportation Investment Fund of 2005 created by Section
1468 [72-2-124](#);

1469 (b) for fiscal year 2017-18 only:

1470 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the
1471 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1472 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the
1473 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1474 (c) for fiscal year 2018-19 only:

1475 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the
1476 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1477 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the
1478 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1479 (d) for fiscal year 2019-20 only:

1480 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the
1481 Transportation Investment Fund of 2005 created by Section [72-2-124](#); and

1482 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the
1483 Water Infrastructure Restricted Account created by Section [73-10g-103](#);

1484 (e) for fiscal year 2020-21 only:

1485 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the

1486 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1487 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the
1488 Water Infrastructure Restricted Account created by Section 73-10g-103; and

1489 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described
1490 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account
1491 created by Section 73-10g-103.

1492 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
1493 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
1494 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
1495 created by Section 72-2-124:

1496 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
1497 the revenues collected from the following taxes, which represents a portion of the
1498 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
1499 on vehicles and vehicle-related products:

1500 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1501 (B) the tax imposed by Subsection (2)(b)(i);

1502 (C) the tax imposed by Subsection (2)(c)(i); and

1503 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

1504 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
1505 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through
1506 (D) that exceeds the amount collected from the sales and use taxes described in Subsections
1507 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1508 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of
1509 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total
1510 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)
1511 generated in the current fiscal year than the total percentage of sales and use taxes deposited in
1512 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection
1513 (7)(a) equal to the product of:

1514 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
1515 previous fiscal year; and

1516 (B) the total sales and use tax revenue generated by the taxes described in Subsections
1517 (7)(a)(i)(A) through (D) in the current fiscal year.

1518 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
1519 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes
1520 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
1521 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
1522 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1523 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
1524 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
1525 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
1526 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
1527 current fiscal year under Subsection (7)(a).

1528 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
1529 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall
1530 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
1531 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1532 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
1533 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
1534 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
1535 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1536 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1537 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or
1538 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1539 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)
1540 in an amount equal to 3.68% of the revenues collected from the following taxes:

1541 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

- 1542 (B) the tax imposed by Subsection (2)(b)(i);
- 1543 (C) the tax imposed by Subsection (2)(c)(i); and
- 1544 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

1545 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1546 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)
1547 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year
1548 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for
1549 sale or use in this state that exceeds 29.4 cents per gallon.

1550 (iii) The commission shall annually deposit the amount described in Subsection
1551 (8)(c)(ii) into the Transit ~~and~~ Transportation Investment Fund created in Section 72-2-124.

1552 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1553 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1554 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1555 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),
1556 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17
1557 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund
1558 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on
1559 the transactions described in Subsection (1).

1560 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in
1561 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance
1562 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the
1563 amount of revenue described as follows:

1564 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%
1565 tax rate on the transactions described in Subsection (1);

1566 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%
1567 tax rate on the transactions described in Subsection (1);

1568 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%
1569 tax rate on the transactions described in Subsection (1);

1570 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a
1571 .05% tax rate on the transactions described in Subsection (1); and

1572 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%
1573 tax rate on the transactions described in Subsection (1).

1574 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
1575 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
1576 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
1577 transaction attributable to food and food ingredients and tangible personal property other than
1578 food and food ingredients described in Subsection (2)(d).

1579 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1580 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that
1581 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of
1582 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue
1583 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
1584 created in Section 63N-2-512.

1585 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the
1586 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed
1587 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

1588 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of
1589 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under
1590 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

1591 ~~[(13) Notwithstanding Subsections (4) through (12) and (14), an amount required to be~~
1592 ~~expended or deposited in accordance with Subsections (4) through (12) and (14) may not~~
1593 ~~include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.]~~

1594 ~~[(14)]~~ (13) (a) The rate specified in this subsection is 0.15%.

1595 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

1596 (i) on or before September 30, 2019, transfer the amount of revenue generated by a
1597 0.15% tax rate imposed beginning on April 1, 2019, and ending on June 30, 2019, on the

1598 transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) as dedicated
1599 credits to the Division of Health Care Financing; and

1600 (ii) for a fiscal year beginning on or after fiscal year 2019-20, annually transfer the
1601 amount of revenue generated by a 0.15% tax rate on the transactions that are subject to the
1602 sales and use tax under Subsection (2)(a)(i)(A) as dedicated credits to the Division of Health
1603 Care Financing.

1604 (c) The revenue described in Subsection [~~(14)~~] (13)(b) that the Division of Finance
1605 transfers to the Division of Health Care Financing as dedicated credits shall be expended for
1606 the following uses:

1607 (i) implementation of the Medicaid expansion described in Sections 26-18-3.1(4) and
1608 26-18-3.9(2)(b);

1609 (ii) if revenue remains after the use specified in Subsection [~~(14)~~] (13)(c)(i), other
1610 measures required by Section 26-18-3.9; and

1611 (iii) if revenue remains after the uses specified in Subsections [~~(14)~~] (13)(c)(i) and (ii),
1612 other measures described in Title 26, Chapter 18, Medical Assistance Act.

1613 Section 16. Section 59-12-2202 is amended to read:

1614 **59-12-2202. Definitions.**

1615 As used in this part:

1616 (1) "Airline" means the same as that term is defined in Section 59-2-102.

1617 (2) "Airport facility" means the same as that term is defined in Section 59-12-602.

1618 (3) "Airport of regional significance" means an airport identified by the Federal
1619 Aviation Administration in the most current National Plan of Integrated Airport Systems or an
1620 update to the National Plan of Integrated Airport Systems.

1621 (4) "Annexation" means an annexation to:

1622 (a) a county under Title 17, Chapter 2, County Consolidations and Annexations; or

1623 (b) a city or town under Title 10, Chapter 2, Part 4, Annexation.

1624 (5) "Annexing area" means an area that is annexed into a county, city, or town.

1625 (6) "Class A road" means the same as that term is described in Section 72-3-102.

- 1626 (7) "Class B road" means the same as that term is described in Section [72-3-103](#).
- 1627 (8) "Class C road" means the same as that term is described in Section [72-3-104](#).
- 1628 (9) "Class D road" means the same as that term is described in Section [72-3-105](#).
- 1629 ~~(6)~~ (10) "Council of governments" means the same as that term is defined in Section
- 1630 [72-2-117.5](#).
- 1631 ~~(7)~~ (11) "Fixed guideway" means the same as that term is defined in Section
- 1632 [59-12-102](#).
- 1633 ~~(8)~~ (12) "Large public transit district" means the same as that term is defined in
- 1634 Section [17B-2a-802](#).
- 1635 ~~(9)~~ (13) "Major collector highway" means the same as that term is defined in Section
- 1636 [72-4-102.5](#).
- 1637 ~~(10)~~ (14) "Metropolitan planning organization" means the same as that term is
- 1638 defined in Section [72-1-208.5](#).
- 1639 ~~(11)~~ (15) "Minor arterial highway" means the same as that term is defined in Section
- 1640 [72-4-102.5](#).
- 1641 ~~(12)~~ (16) "Minor collector road" means the same as that term is defined in Section
- 1642 [72-4-102.5](#).
- 1643 ~~(13)~~ (17) "Principal arterial highway" means the same as that term is defined in
- 1644 Section [72-4-102.5](#).
- 1645 ~~(14)~~ (18) "Regionally significant transportation facility" means:
- 1646 (a) in a county of the first or second class:
- 1647 (i) a principal arterial highway;
- 1648 (ii) a minor arterial highway;
- 1649 (iii) a fixed guideway that:
- 1650 (A) extends across two or more cities or unincorporated areas; or
- 1651 (B) is an extension to an existing fixed guideway; or
- 1652 (iv) an airport of regional significance; or
- 1653 (b) in a county of the second class that is not part of a large public transit district, or in

1654 a county of the third, fourth, fifth, or sixth class:

1655 (i) a principal arterial highway;

1656 (ii) a minor arterial highway;

1657 (iii) a major collector highway;

1658 (iv) a minor collector road; or

1659 (v) an airport of regional significance.

1660 [~~(15)~~] (19) "State highway" means a highway designated as a state highway under Title
1661 72, Chapter 4, Designation of State Highways Act.

1662 [~~(16)~~] (20) (a) Subject to Subsection [~~(16)~~] (20)(b), "system for public transit" means
1663 the same as the term "public transit" is defined in Section 17B-2a-802.

1664 (b) "System for public transit" includes:

1665 (i) the following costs related to public transit:

1666 (A) maintenance costs; or

1667 (B) operating costs;

1668 (ii) a fixed guideway;

1669 (iii) a park and ride facility;

1670 (iv) a passenger station or passenger terminal;

1671 (v) a right-of-way for public transit; or

1672 (vi) the following that serve a public transit facility:

1673 (A) a maintenance facility;

1674 (B) a platform;

1675 (C) a repair facility;

1676 (D) a roadway;

1677 (E) a storage facility;

1678 (F) a utility line; or

1679 (G) a facility or item similar to those described in Subsections [~~(16)~~] (20)(b)(vi)(A)

1680 through (F).

1681 Section 17. Section **59-12-2203** is amended to read:

1682 **59-12-2203. Authority to impose a sales and use tax under this part.**

1683 (1) As provided in this Subsection (1), one of the following sales and use taxes may be
1684 imposed within the boundaries of a local taxing jurisdiction:

1685 (a) a county, city, or town may impose the sales and use tax authorized by Section
1686 59-12-2213 in accordance with Section 59-12-2213; or

1687 (b) a city or town may impose the sales and use tax authorized by Section 59-12-2215
1688 in accordance with Section 59-12-2215.

1689 (2) As provided in this Subsection (2), one of the following sales and use taxes may be
1690 imposed within the boundaries of a local taxing jurisdiction:

1691 (a) a county, city, or town may impose the sales and use tax authorized by Section
1692 59-12-2214 in accordance with Section 59-12-2214; or

1693 (b) a county may impose the sales and use tax authorized by Section 59-12-2216 in
1694 accordance with Section 59-12-2216.

1695 (3) As provided in this Subsection (3), one of the following sales and use taxes may be
1696 imposed within the boundaries of a local taxing jurisdiction:

1697 (a) a county may impose the sales and use tax authorized by Section 59-12-2217 in
1698 accordance with Section 59-12-2217; or

1699 (b) a county, city, or town may impose the sales and use tax authorized by Section
1700 59-12-2218 in accordance with Section 59-12-2218.

1701 (4) A county may impose the sales and use tax authorized by Section 59-12-2219 in
1702 accordance with Section 59-12-2219.

1703 (5) A county[~~-, city, or town~~] may impose the sales and use tax authorized by Section
1704 59-12-2220 in accordance with Section 59-12-2220.

1705 Section 18. Section 59-12-2212.2 is enacted to read:

1706 **59-12-2212.2. Allowable uses of local option sales and use tax revenue.**

1707 (1) Except as otherwise provided in this part, a county, city, or town that imposes a
1708 local option sales and use tax under this part may expend the revenue generated from the local
1709 option sales and use tax for the following purposes:

- 1710 (a) the development, construction, maintenance, or operation of:
- 1711 (i) a class A road;
- 1712 (ii) a class B road;
- 1713 (iii) a class C road;
- 1714 (iv) a class D road;
- 1715 (v) traffic and pedestrian safety infrastructure, including:
- 1716 (A) a sidewalk;
- 1717 (B) curb and gutter;
- 1718 (C) a safety feature;
- 1719 (D) a traffic sign;
- 1720 (E) a traffic signal; or
- 1721 (F) street lighting;
- 1722 (vi) streets, alleys, roads, highways, and thoroughfares of any kind, including
- 1723 connected structures;
- 1724 (vii) an airport facility;
- 1725 (viii) an active transportation facility that is for nonmotorized vehicles and multimodal
- 1726 transportation and connects an origin with a destination; or
- 1727 (ix) an intelligent transportation system;
- 1728 (b) a system for public transit;
- 1729 (c) all other modes and forms of conveyance used by the public;
- 1730 (d) debt service or bond issuance costs related to a project or facility described in
- 1731 Subsections (1)(a) through (c); or
- 1732 (e) corridor preservation related to a project or facility described in Subsections (1)(a)
- 1733 through (c).
- 1734 (2) Any revenue subject to rights or obligations under a contract between a county,
- 1735 city, or town and a public transit district entered into before January 1, 2019, remains subject to
- 1736 existing contractual rights and obligations.
- 1737 Section 19. Section **59-12-2214** is amended to read:

1738 **59-12-2214. County, city, or town option sales and use tax to fund a system for**
1739 **public transit, an airport facility, a water conservation project, or to be deposited into the**
1740 **County of the First Class Highway Projects Fund -- Base -- Rate.**

1741 (1) Subject to the other provisions of this part, a county, city, or town may impose a
1742 sales and use tax of .25% on the transactions described in Subsection [59-12-103\(1\)](#) located
1743 within the county, city, or town.

1744 (2) ~~[Subject]~~ Notwithstanding Section [59-12-2212.2](#), and subject to Subsection (3), a
1745 county, city, or town that imposes a sales and use tax under this section shall expend the
1746 revenues collected from the sales and use tax:

1747 (a) to fund a system for public transit;

1748 (b) to fund a project or service related to an airport facility for the portion of the project
1749 or service that is performed within the county, city, or town within which the sales and use tax
1750 is imposed:

1751 (i) for a county that imposes the sales and use tax, if the airport facility is part of the
1752 regional transportation plan of the area metropolitan planning organization if a metropolitan
1753 planning organization exists for the area; or

1754 (ii) for a city or town that imposes the sales and use tax, if:

1755 (A) that city or town is located within a county of the second class;

1756 (B) that city or town owns or operates the airport facility; and

1757 (C) an airline is headquartered in that city or town; or

1758 (c) for a combination of Subsections (2)(a) and (b).

1759 (3) A county of the first class that imposes a sales and use tax under this section shall
1760 expend the revenues collected from the sales and use tax as follows:

1761 (a) 80% of the revenues collected from the sales and use tax shall be expended to fund
1762 a system for public transit; and

1763 (b) 20% of the revenues collected from the sales and use tax shall be deposited into the
1764 County of the First Class Highway Projects Fund created by Section [72-2-121](#).

1765 ~~[(4) Notwithstanding Section [59-12-2208](#), a county, city, or town legislative body is~~

1766 not required to submit an opinion question to the county's, city's, or town's registered voters in
1767 accordance with Section ~~59-12-2208~~ to impose a sales and use tax under this section if:]

1768 [~~(a) the county, city, or town imposes the sales and use tax under this section on or~~
1769 ~~after July 1, 2010, but on or before July 1, 2011;~~]

1770 [~~(b) on July 1, 2010, the county, city, or town imposes a sales and use tax under:~~]

1771 [~~(i) Section ~~59-12-2213~~; or~~]

1772 [~~(ii) Section ~~59-12-2215~~; and~~]

1773 [~~(c) the county, city, or town obtained voter approval to impose the sales and use tax~~
1774 ~~under:]~~

1775 [~~(i) Section ~~59-12-2213~~; or~~]

1776 [~~(ii) Section ~~59-12-2215~~;~~]

1777 Section 20. Section ~~59-12-2215~~ is amended to read:

1778 **59-12-2215. City or town option sales and use tax for highways or to fund a**
1779 **system for public transit -- Base -- Rate.**

1780 (1) Subject to the other provisions of this part, a city or town may impose a sales and
1781 use tax of up to .30% on the transactions described in Subsection ~~59-12-103~~(1) located within
1782 the city or town.

1783 [~~(2) A city or town imposing a sales and use tax under this section shall expend the~~
1784 ~~revenues collected from the sales and use tax:]~~

1785 [~~(a) for the construction and maintenance of highways under the jurisdiction of the city~~
1786 ~~or town imposing the tax;~~]

1787 [~~(b) to fund a system for public transit; or~~]

1788 [~~(c) for a combination of Subsections (2)(a) and (b).]~~

1789 (2) A city or town imposing a sales and use tax under this section shall expend the
1790 revenues collected from the sales and use tax as described in Section ~~59-12-2212.2~~.

1791 Section 21. Section ~~59-12-2216~~ is amended to read:

1792 **59-12-2216. County option sales and use tax for a fixed guideway, to fund a**
1793 **system for public transit, or for highways -- Base -- Rate -- Allocation and expenditure of**

1794 revenues.

1795 (1) Subject to the other provisions of this part, a county legislative body may impose a
1796 sales and use tax of up to .30% on the transactions described in Subsection 59-12-103(1)
1797 within the county, including the cities and towns within the county.

1798 ~~[(2) Subject to Subsection (3), before obtaining voter approval in accordance with~~
1799 ~~Section 59-12-2208, a county legislative body shall adopt a resolution specifying the~~
1800 ~~percentage of revenues the county will receive from the sales and use tax under this section that~~
1801 ~~will be allocated to fund one or more of the following:]~~

1802 ~~[(a) a project or service relating to a fixed guideway for the portion of the project or~~
1803 ~~service that is performed within the county;]~~

1804 ~~[(b) a project or service relating to a system for public transit, except for a fixed~~
1805 ~~guideway, for the portion of the project or service that is performed within the county;]~~

1806 ~~[(c) the following relating to a state highway within the county:]~~

1807 ~~[(i) a project within the county if the project:]~~

1808 ~~[(A) begins on or after the day on which a county legislative body imposes a tax under~~
1809 ~~this section; and]~~

1810 ~~[(B) involves an environmental study, an improvement, new construction, or a~~
1811 ~~renovation;]~~

1812 ~~[(ii) debt service on a project described in Subsection (2)(c)(i); or]~~

1813 ~~[(iii) bond issuance costs related to a project described in Subsection (2)(c)(i); or]~~

1814 ~~[(d) a project, debt service, or bond issuance cost described in Subsection (2)(c)~~
1815 ~~relating to a highway that is:]~~

1816 ~~[(i) a principal arterial highway or minor arterial highway;]~~

1817 ~~[(ii) included in a metropolitan planning organization's regional transportation plan;~~
1818 ~~and]~~

1819 ~~[(iii) not a state highway.]~~

1820 (2) Subject to Subsection (3), before obtaining voter approval in accordance with
1821 Section 59-12-2208, a county legislative body shall adopt a resolution specifying the

1822 percentage of revenues the county will receive from the sales and use tax under this section that
1823 will be allocated to fund uses described in Section 59-12-2212.2.

1824 (3) A county legislative body shall in the resolution described in Subsection (2)
1825 allocate 100% of the revenues the county will receive from the sales and use tax under this
1826 section for one or more of the purposes described in [~~Subsection (2)~~] Section 59-12-2212.2.

1827 (4) Notwithstanding Section 59-12-2208, the opinion question required by Section
1828 59-12-2208 shall state the allocations the county legislative body makes in accordance with this
1829 section.

1830 (5) The revenues collected from a sales and use tax under this section shall be:

1831 (a) allocated in accordance with the allocations specified in the resolution under
1832 Subsection (2); and

1833 (b) expended as provided in this section.

1834 (6) If a county legislative body allocates revenues collected from a sales and use tax
1835 under this section for a state highway project [~~described in Subsection (2)(c)(i)~~], before
1836 beginning the state highway project within the county, the county legislative body shall:

1837 (a) obtain approval from the Transportation Commission to complete the project; and

1838 (b) enter into an interlocal agreement established in accordance with Title 11, Chapter
1839 13, Interlocal Cooperation Act, with the Department of Transportation to complete the project.

1840 (7) If after a county legislative body imposes a sales and use tax under this section the
1841 county legislative body seeks to change an allocation specified in the resolution under
1842 Subsection (2), the county legislative body may change the allocation by:

1843 (a) adopting a resolution in accordance with Subsection (2) specifying the percentage
1844 of revenues the county will receive from the sales and use tax under this section that will be
1845 allocated to fund one or more of the items described in [~~Subsection (2)~~] Section 59-12-2212.2;

1846 (b) obtaining approval to change the allocation of the sales and use tax by a majority of
1847 all of the members of the county legislative body; and

1848 (c) subject to Subsection (8):

1849 (i) in accordance with Section 59-12-2208, submitting an opinion question to the

1850 county's registered voters voting on changing the allocation so that each registered voter has the
1851 opportunity to express the registered voter's opinion on whether the allocation should be
1852 changed; and

1853 (ii) in accordance with Section 59-12-2208, obtaining approval to change the allocation
1854 from a majority of the county's registered voters voting on changing the allocation.

1855 (8) Notwithstanding Section 59-12-2208, the opinion question required by Subsection
1856 (7)(c)(i) shall state the allocations specified in the resolution adopted in accordance with
1857 Subsection (7)(a) and approved by the county legislative body in accordance with Subsection
1858 (7)(b).

1859 (9) Revenues collected from a sales and use tax under this section that a county
1860 allocates for a [~~purpose described in Subsection (2)(c)~~] state highway within the county shall
1861 be:

1862 (a) deposited into the Highway Projects Within Counties Fund created by Section
1863 72-2-121.1; and

1864 (b) expended as provided in Section 72-2-121.1.

1865 (10) (a) Notwithstanding Section 59-12-2206 and subject to Subsection (10)(b),
1866 revenues collected from a sales and use tax under this section that a county allocates for a
1867 [~~purpose described in Subsection (2)(d)~~] project, debt service, or bond issuance cost relating to
1868 a highway that is a principal arterial highway or minor arterial highway that is included in a
1869 metropolitan planning organization's regional transportation plan, but is not a state highway,
1870 shall be transferred to the Department of Transportation if the transfer of the revenues is
1871 required under an interlocal agreement:

1872 (i) entered into on or before January 1, 2010; and

1873 (ii) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

1874 (b) The Department of Transportation shall expend the revenues described in
1875 Subsection (10)(a) as provided in the interlocal agreement described in Subsection (10)(a).

1876 Section 22. Section 59-12-2217 is amended to read:

1877 **59-12-2217. County option sales and use tax for transportation -- Base -- Rate --**

1878 **Written prioritization process -- Approval by county legislative body.**

1879 (1) Subject to the other provisions of this part, and subject to Subsection ~~[(10)]~~ (8), a
 1880 county legislative body may impose a sales and use tax of up to .25% on the transactions
 1881 described in Subsection 59-12-103(1) within the county, including the cities and towns within
 1882 the county.

1883 ~~[(2) Subject to Subsections (3) through (8) and Section 59-12-2207, the revenues
 1884 collected from a sales and use tax under this section may only be expended for:]~~

1885 ~~[(a) a project or service:]~~

1886 ~~[(i) relating to a regionally significant transportation facility for the portion of the
 1887 project or service that is performed within the county;]~~

1888 ~~[(ii) for new capacity or congestion mitigation if the project or service is performed
 1889 within a county:]~~

1890 ~~[(A) of the first or second class; or]~~

1891 ~~[(B) if that county is part of an area metropolitan planning organization; and]~~

1892 ~~[(iii) that is on a priority list:]~~

1893 ~~[(A) created by the county's council of governments in accordance with Subsection (7);
 1894 and]~~

1895 ~~[(B) approved by the county legislative body in accordance with Subsection (7);]~~

1896 ~~[(b) corridor preservation for a project or service described in Subsection (2)(a); or]~~

1897 ~~[(c) debt service or bond issuance costs related to a project or service described in
 1898 Subsection (2)(a)(i) or (ii).]~~

1899 ~~[(3) If a project or service described in Subsection (2) is for: (a) a principal arterial
 1900 highway or a minor arterial highway in a county of the first or second class or a collector road
 1901 in a county of the second class, that project or service shall be part of the:]~~

1902 ~~[(i) county and municipal master plan; and]~~

1903 ~~[(ii) (A) statewide long-range plan; or]~~

1904 ~~[(B) regional transportation plan of the area metropolitan planning organization if a
 1905 metropolitan planning organization exists for the area; or]~~

1906 ~~[(b) a fixed guideway or an airport, that project or service shall be part of the regional~~
1907 ~~transportation plan of the area metropolitan planning organization if a metropolitan planning~~
1908 ~~organization exists for the area.]~~

1909 ~~[(4) In a county of the first or second class, a regionally significant transportation~~
1910 ~~facility project or service described in Subsection (2)(a)(i) shall have a funded year priority~~
1911 ~~designation on a Statewide Transportation Improvement Program and Transportation~~
1912 ~~Improvement Program if the project or service described in Subsection (2)(a)(i) is:]~~

1913 ~~[(a) a principal arterial highway;]~~

1914 ~~[(b) a minor arterial highway;]~~

1915 ~~[(c) a collector road in a county of the second class; or]~~

1916 ~~[(d) a major collector highway in a rural area.]~~

1917 ~~[(5) Of the revenues collected from a sales and use tax imposed under this section~~
1918 ~~within a county of the first class, 25% or more shall be expended for the purpose described in~~
1919 ~~Subsection (2)(b).]~~

1920 (2) (a) Except as provided in Subsection (2)(b), and subject to Subsections (3) through
1921 (6) and Section [59-12-2207](#), the revenue collected from a sales and use tax under this section
1922 may only be expended as described in Section [59-12-2212.2](#).

1923 (b) Subject to Subsections (3) through (6), in a county of the first or second class, or if
1924 a county is part of an area metropolitan planning organization, that portion of the county within
1925 the metropolitan planning organization, the revenue collected from a sales and use tax under
1926 this section may only be expended as described in Section [59-12-2212.2](#), and only if the
1927 expenditure is for:

1928 (i) a project or service:

1929 (A) relating to a regionally significant transportation facility for the portion of the
1930 project or service that is performed within the county;

1931 (B) for new capacity or congestion mitigation, and not for operation or maintenance, if
1932 the project or service is performed within the county; and

1933 (C) on a priority list created by the county's council of governments in accordance with

1934 Subsection (5) and approved by the county legislative body in accordance with Subsection (5);
1935 (ii) corridor preservation for a project or service described in Subsection (2)(b)(i)(A) or
1936 (B); or
1937 (iii) debt service or bond issuance costs related to a project or service described in
1938 Subsection (2)(b)(i)(A) or (B).
1939 (c) The restriction in Subsection (2)(b)(i)(B) from using revenue for operation or
1940 maintenance does not apply to any revenue subject to rights or obligations under a contract
1941 entered into before January 1, 2019, between a county and a public transit district.
1942 (3) For revenue expended under this section for a project or service described in
1943 Subsection (2) that is on or part of a regionally significant transportation facility and that
1944 constructs or adds a new through lane or interchange, or provides new fixed guideway public
1945 transit service, the project shall be part of:
1946 (a) the statewide long-range plan; or
1947 (b) a regional transportation plan of the area metropolitan planning organization if a
1948 metropolitan planning organization area exists for the area.
1949 ~~[(6)]~~ (4) (a) As provided in this Subsection ~~[(6)]~~ (4), a council of governments shall:
1950 (i) develop a written prioritization process for the prioritization of projects to be funded
1951 by revenues collected from a sales and use tax under this section;
1952 (ii) create a priority list of ~~[regionally significant]~~ transportation ~~[facility]~~ projects or
1953 services described in ~~[Subsection (2)(a)(i)]~~ [Section 59-12-2212.2](#) in accordance with
1954 Subsection ~~[(7)]~~ (5); and
1955 (iii) present the priority list to the county legislative body for approval in accordance
1956 with Subsection ~~[(7)]~~ (5).
1957 (b) The written prioritization process described in Subsection ~~[(6)]~~ (4)(a)(i) shall
1958 include:
1959 (i) a definition of the type of projects to which the written prioritization process
1960 applies;
1961 (ii) subject to Subsection ~~[(6)]~~ (4)(c), the specification of a weighted criteria system

1962 that the council of governments will use to rank proposed projects and how that weighted
1963 criteria system will be used to determine which proposed projects will be prioritized;
1964 (iii) the specification of data that is necessary to apply the weighted criteria system;
1965 (iv) application procedures for a project to be considered for prioritization by the
1966 council of governments; and
1967 (v) any other provision the council of governments considers appropriate.
1968 (c) The weighted criteria system described in Subsection [~~(6)~~] (4)(b)(ii) shall include
1969 the following:
1970 (i) the cost effectiveness of a project;
1971 (ii) the degree to which a project will mitigate regional congestion;
1972 (iii) the compliance requirements of applicable federal laws or regulations;
1973 (iv) the economic impact of a project;
1974 (v) the degree to which a project will require tax revenues to fund maintenance and
1975 operation expenses; and
1976 (vi) any other provision the council of governments considers appropriate.
1977 (d) A council of governments of a county of the first or second class shall submit the
1978 written prioritization process described in Subsection [~~(6)~~] (4)(a)(i) to the Executive
1979 Appropriations Committee for approval prior to taking final action on:
1980 (i) the written prioritization process; or
1981 (ii) any proposed amendment to the written prioritization process.
1982 [~~(7)~~] (5) (a) A council of governments shall use the weighted criteria system adopted in
1983 the written prioritization process developed in accordance with Subsection [~~(6)~~] (4) to create a
1984 priority list of [~~regionally significant~~] transportation [~~facility~~] projects or services for which
1985 revenues collected from a sales and use tax under this section may be expended.
1986 (b) Before a council of governments may finalize a priority list or the funding level of a
1987 project, the council of governments shall conduct a public meeting on:
1988 (i) the written prioritization process; and
1989 (ii) the merits of the projects that are prioritized as part of the written prioritization

1990 process.

1991 (c) A council of governments shall make the weighted criteria system ranking for each
1992 project prioritized as part of the written prioritization process publicly available before the
1993 public meeting required by Subsection ~~[(7)]~~ (5)(b) is held.

1994 (d) If a council of governments prioritizes a project over another project with a higher
1995 rank under the weighted criteria system, the council of governments shall:

1996 (i) identify the reasons for prioritizing the project over another project with a higher
1997 rank under the weighted criteria system at the public meeting required by Subsection ~~[(7)]~~
1998 (5)(b); and

1999 (ii) make the reasons described in Subsection ~~[(7)]~~ (5)(d)(i) publicly available.

2000 (e) Subject to Subsections ~~[(7)]~~ (5)(f) and (g), after a council of governments finalizes
2001 a priority list in accordance with this Subsection ~~[(7)]~~ (5), the council of governments shall:

2002 (i) submit the priority list to the county legislative body for approval; and

2003 (ii) obtain approval of the priority list from a majority of the members of the county
2004 legislative body.

2005 (f) A council of governments may only submit one priority list per calendar year to the
2006 county legislative body.

2007 (g) A county legislative body may only consider and approve one priority list submitted
2008 under Subsection ~~[(7)]~~ (5)(e) per calendar year.

2009 ~~[(8)]~~ (6) In a county of the first class, revenues collected from a sales and use tax under
2010 this section that a county allocates for a purpose described in Subsection ~~[(2)(b)]~~
2011 [59-12-2212.2\(5\)](#) shall be:

2012 (a) deposited in or transferred to the County of the First Class Highway Projects Fund
2013 created by Section [72-2-121](#); and

2014 (b) expended as provided in Section [72-2-121](#).

2015 ~~[(9)]~~ (7) Notwithstanding Section [59-12-2208](#), a county legislative body may, but is not
2016 required to, submit an opinion question to the county's registered voters in accordance with
2017 Section [59-12-2208](#) to impose a sales and use tax under this section.

2018 [~~(10)~~] (8) (a) (i) Notwithstanding any other provision in this section, if the entire
2019 boundary of a county is annexed into a large public transit district, if the county legislative
2020 body wishes to impose a sales and use tax under this section, the county legislative body shall
2021 pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

2022 (ii) If the entire boundary of a county is annexed into a large public transit district, the
2023 county legislative body may not pass an ordinance to impose a sales and use tax under this
2024 section on or after July 1, 2022.

2025 (b) Notwithstanding the deadline described in Subsection [~~(10)~~] (8)(a), any sales and
2026 use tax imposed under this section on or before June 30, 2022, may remain in effect.

2027 Section 23. Section **59-12-2218** is amended to read:

2028 **59-12-2218. County, city, or town option sales and use tax for airports, highways,**
2029 **and systems for public transit -- Base -- Rate -- Administration of sales and use tax --**
2030 **Voter approval exception.**

2031 (1) Subject to the other provisions of this part, and subject to Subsection [~~(11)~~] (8), the
2032 following may impose a sales and use tax under this section:

2033 (a) if, on April 1, 2009, a county legislative body of a county of the second class
2034 imposes a sales and use tax under this section, the county legislative body of the county of the
2035 second class may impose the sales and use tax on the transactions:

2036 (i) described in Subsection [59-12-103\(1\)](#); and

2037 (ii) within the county, including the cities and towns within the county; or

2038 (b) if, on April 1, 2009, a county legislative body of a county of the second class does
2039 not impose a sales and use tax under this section:

2040 (i) a city legislative body of a city within the county of the second class may impose a
2041 sales and use tax under this section on the transactions described in Subsection [59-12-103\(1\)](#)
2042 within that city;

2043 (ii) a town legislative body of a town within the county of the second class may impose
2044 a sales and use tax under this section on the transactions described in Subsection [59-12-103\(1\)](#)
2045 within that town; and

2046 (iii) the county legislative body of the county of the second class may impose a sales
2047 and use tax on the transactions described in Subsection 59-12-103(1):

2048 (A) within the county, including the cities and towns within the county, if on the date
2049 the county legislative body provides the notice described in Section 59-12-2209 to the
2050 commission stating that the county will enact a sales and use tax under this section, no city or
2051 town within that county imposes a sales and use tax under this section or has provided the
2052 notice described in Section 59-12-2209 to the commission stating that the city or town will
2053 enact a sales and use tax under this section; or

2054 (B) within the county, except for within a city or town within that county, if, on the
2055 date the county legislative body provides the notice described in Section 59-12-2209 to the
2056 commission stating that the county will enact a sales and use tax under this section, that city or
2057 town imposes a sales and use tax under this section or has provided the notice described in
2058 Section 59-12-2209 to the commission stating that the city or town will enact a sales and use
2059 tax under this section.

2060 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
2061 county, city, or town legislative body that imposes a sales and use tax under this section may
2062 impose the tax at a rate of ~~[(a) .10%; or (b)]~~ .25%.

2063 ~~[(3) A sales and use tax imposed at a rate described in Subsection (2)(a) shall be
2064 expended as determined by the county, city, or town legislative body as follows:]~~

2065 ~~[(a) deposited as provided in Subsection (9)(b) into the County of the Second Class
2066 State Highway Projects Fund created by Section 72-2-121.2 and expended as provided in
2067 Section 72-2-121.2;]~~

2068 ~~[(b) expended for a project or service relating to an airport facility for the portion of the
2069 project or service that is performed within the county, city, or town within which the tax is
2070 imposed;]~~

2071 ~~[(i) for a county legislative body that imposes the sales and use tax, if that airport
2072 facility is part of the regional transportation plan of the area metropolitan planning organization
2073 if a metropolitan planning organization exists for the area; or]~~

2074 ~~[(ii) for a city or town legislative body that imposes the sales and use tax, if:]~~
2075 ~~[(A) that city or town owns or operates the airport facility; and]~~
2076 ~~[(B) an airline is headquartered in that city or town; or]~~
2077 ~~[(c) deposited or expended for a combination of Subsections (3)(a) and (b).]~~
2078 ~~[(4) Subject to Subsections (5) through (7), a sales and use tax imposed at a rate~~
2079 ~~described in Subsection (2)(b) shall be expended as determined by the county, city, or town~~
2080 ~~legislative body as follows:]~~
2081 ~~[(a) deposited as provided in Subsection (9)(b) into the County of the Second Class~~
2082 ~~State Highway Projects Fund created by Section 72-2-121.2 and expended as provided in~~
2083 ~~Section 72-2-121.2;]~~
2084 ~~[(b) expended for:]~~
2085 ~~[(i) a state highway designated under Title 72, Chapter 4, Part 1, State Highways;]~~
2086 ~~[(ii) a local highway that is a principal arterial highway, minor arterial highway, major~~
2087 ~~collector highway, or minor collector road; or]~~
2088 ~~[(iii) a combination of Subsections (4)(b)(i) and (ii);]~~
2089 ~~[(c) expended for a project or service relating to a system for public transit for the~~
2090 ~~portion of the project or service that is performed within the county, city, or town within which~~
2091 ~~the sales and use tax is imposed;]~~
2092 ~~[(d) expended for a project or service relating to an airport facility for the portion of the~~
2093 ~~project or service that is performed within the county, city, or town within which the sales and~~
2094 ~~use tax is imposed:]~~
2095 ~~[(i) for a county legislative body that imposes the sales and use tax, if that airport~~
2096 ~~facility is part of the regional transportation plan of the area metropolitan planning organization~~
2097 ~~if a metropolitan planning organization exists for the area; or]~~
2098 ~~[(ii) for a city or town legislative body that imposes the sales and use tax, if:]~~
2099 ~~[(A) that city or town owns or operates the airport facility; and]~~
2100 ~~[(B) an airline is headquartered in that city or town;]~~
2101 ~~[(e) expended for:]~~

2102 ~~[(i) a class B road, as defined in Section 72-3-103;]~~
2103 ~~[(ii) a class C road, as defined in Section 72-3-104; or]~~
2104 ~~[(iii) a combination of Subsections (4)(e)(i) and (ii);]~~
2105 ~~[(f) expended for traffic and pedestrian safety, including:]~~
2106 ~~[(i) for a class B road, as defined in Section 72-3-103, or class C road, as defined in~~
2107 ~~Section 72-3-104, for:]~~
2108 ~~[(A) a sidewalk;]~~
2109 ~~[(B) curb and gutter;]~~
2110 ~~[(C) a safety feature;]~~
2111 ~~[(D) a traffic sign;]~~
2112 ~~[(E) a traffic signal;]~~
2113 ~~[(F) street lighting; or]~~
2114 ~~[(G) a combination of Subsections (4)(f)(i)(A) through (F);]~~
2115 ~~[(ii) the construction of an active transportation facility that:]~~
2116 ~~[(A) is for nonmotorized vehicles and multimodal transportation; and]~~
2117 ~~[(B) connects an origin with a destination; or]~~
2118 ~~[(iii) a combination of Subsections (4)(f)(i) and (ii); or]~~
2119 ~~[(g) deposited or expended for a combination of Subsections (4)(a) through (f).]~~
2120 (3) (a) Except as provided in Subsection (3)(b), and subject to Subsection (4), a sales
2121 and use tax imposed under this section shall be expended as determined by the county, city, or
2122 town legislative body for uses described in Section 59-12-2212.2.
2123 (b) (i) Notwithstanding Subsection 59-12-2212.2(1)(a), revenues collected from a sales
2124 and use tax under this section may only be used for new capacity or congestion mitigation
2125 projects, and may not be expended for operation or maintenance purposes.
2126 (ii) The restriction in Subsection (3)(b)(i) from using revenue for operation or
2127 maintenance purposes does not apply to any revenue subject to rights or obligations under a
2128 contract entered into before January 1, 2019, between a county, city, or town legislative body
2129 and a public transit district.

2130 ~~[(5)]~~ (4) A county, city, or town legislative body may not expend revenue collected
2131 within a county, city, or town from a tax under this section for a purpose described in
2132 ~~[Subsections (4)(b) through (f)]~~ Section [59-12-2212.2](#) unless the purpose is recommended by:

2133 (a) for a county that is part of a metropolitan planning organization, the metropolitan
2134 planning organization of which the county is a part; or

2135 (b) for a county that is not part of a metropolitan planning organization, the council of
2136 governments of which the county is a part.

2137 ~~[(6) (a) (i) Except as provided in Subsection (6)(b), a county, city, or town that imposes~~
2138 ~~a tax described in Subsection (2)(b) shall deposit the revenue collected from a tax rate of .05%~~
2139 ~~as provided in Subsection (9)(b)(i) into the Local Highway and Transportation Corridor~~
2140 ~~Preservation Fund created by Section [72-2-117.5](#).]~~

2141 ~~[(ii) Revenue deposited in accordance with Subsection (6)(a)(i) shall be expended and~~
2142 ~~distributed in accordance with Section [72-2-117.5](#).]~~

2143 ~~[(b) A county, city, or town is not required to make the deposit required by Subsection~~
2144 ~~(6)(a)(i) if the county, city, or town:]~~

2145 ~~[(i) imposed a tax described in Subsection (2)(b) on July 1, 2010; or]~~

2146 ~~[(ii) has continuously imposed a tax described in Subsection (2)(b):]~~

2147 ~~[(A) beginning after July 1, 2010; and]~~

2148 ~~[(B) for a five-year period.]~~

2149 ~~[(7) (a) Subject to the other provisions of this Subsection (7), a city or town within~~
2150 ~~which a sales and use tax is imposed at the tax rate described in Subsection (2)(b) may:]~~

2151 ~~[(i) expend the revenues in accordance with Subsection (4); or]~~

2152 ~~[(ii) expend the revenues in accordance with Subsections (7)(b) through (d) if:]~~

2153 ~~[(A) that city or town owns or operates an airport facility; and]~~

2154 ~~[(B) an airline is headquartered in that city or town.]~~

2155 ~~[(b) (i) A city or town legislative body of a city or town within which a sales and use~~
2156 ~~tax is imposed at the tax rate described in Subsection (2)(b) may expend the revenues collected~~
2157 ~~from a tax rate of greater than .10% but not to exceed the revenues collected from a tax rate of~~

2158 ~~.25% for a purpose described in Subsection (7)(b)(ii) if:]~~
2159 ~~[(A) that city or town owns or operates an airport facility; and]~~
2160 ~~[(B) an airline is headquartered in that city or town.]~~
2161 ~~[(ii) A city or town described in Subsection (7)(b)(i) may expend the revenues~~
2162 ~~collected from a tax rate of greater than .10% but not to exceed the revenues collected from a~~
2163 ~~tax rate of .25% for:]~~
2164 ~~[(A) a project or service relating to the airport facility; and]~~
2165 ~~[(B) the portion of the project or service that is performed within the city or town~~
2166 ~~imposing the sales and use tax.]~~
2167 ~~[(c) If a city or town legislative body described in Subsection (7)(b)(i) determines to~~
2168 ~~expend the revenues collected from a tax rate of greater than .10% but not to exceed the~~
2169 ~~revenues collected from a tax rate of .25% for a project or service relating to an airport facility~~
2170 ~~as allowed by Subsection (7)(b), any remaining revenue that is collected from the sales and use~~
2171 ~~tax imposed at the tax rate described in Subsection (2)(b) that is not expended for the project or~~
2172 ~~service relating to an airport facility as allowed by Subsection (7)(b) shall be expended as~~
2173 ~~follows:]~~
2174 ~~[(i) 75% of the remaining revenues shall be deposited as provided in Subsection (9)(c)~~
2175 ~~into the County of the Second Class State Highway Projects Fund created by Section~~
2176 ~~72-2-121.2 and expended as provided in Section 72-2-121.2; and]~~
2177 ~~[(ii) 25% of the remaining revenues shall be deposited as provided in Subsection (9)(c)~~
2178 ~~into the Local Highway and Transportation Corridor Preservation Fund created by Section~~
2179 ~~72-2-117.5 and expended and distributed in accordance with Section 72-2-117.5.]~~
2180 ~~[(d) A city or town legislative body that expends the revenues collected from a sales~~
2181 ~~and use tax imposed at the tax rate described in Subsection (2)(b) in accordance with~~
2182 ~~Subsections (7)(b) and (c):]~~
2183 ~~[(i) shall, on or before the date the city or town legislative body provides the notice~~
2184 ~~described in Section 59-12-2209 to the commission stating that the city or town will enact a~~
2185 ~~sales and use tax under this section:]~~

2186 ~~[(A) determine the tax rate, the percentage of which is greater than .10% but does not~~
2187 ~~exceed .25%, the collections from which the city or town legislative body will expend for a~~
2188 ~~project or service relating to an airport facility as allowed by Subsection (7)(b); and]~~

2189 ~~[(B) notify the commission in writing of the tax rate the city or town legislative body~~
2190 ~~determines in accordance with Subsection (7)(d)(i)(A);]~~

2191 ~~[(ii) shall, on or before the April 1 immediately following the date the city or town~~
2192 ~~legislative body provides the notice described in Subsection (7)(d)(i) to the commission:]~~

2193 ~~[(A) determine the tax rate, the percentage of which is greater than .10% but does not~~
2194 ~~exceed .25%, the collections from which the city or town legislative body will expend for a~~
2195 ~~project or service relating to an airport facility as allowed by Subsection (7)(b); and]~~

2196 ~~[(B) notify the commission in writing of the tax rate the city or town legislative body~~
2197 ~~determines in accordance with Subsection (7)(d)(ii)(A);]~~

2198 ~~[(iii) shall, on or before April 1 of each year after the April 1 described in Subsection~~
2199 ~~(7)(d)(ii):]~~

2200 ~~[(A) determine the tax rate, the percentage of which is greater than .10% but does not~~
2201 ~~exceed .25%, the collections from which the city or town legislative body will expend for a~~
2202 ~~project or service relating to an airport facility as allowed by Subsection (7)(b); and]~~

2203 ~~[(B) notify the commission in writing of the tax rate the city or town legislative body~~
2204 ~~determines in accordance with Subsection (7)(d)(iii)(A); and]~~

2205 ~~[(iv) may not change the tax rate the city or town legislative body determines in~~
2206 ~~accordance with Subsections (7)(d)(i) through (iii) more frequently than as prescribed by~~
2207 ~~Subsections (7)(d)(i) through (iii):]~~

2208 ~~[(8)]~~ (5) Before a city or town legislative body may impose a sales and use tax under
2209 this section, the city or town legislative body shall provide a copy of the notice described in
2210 Section 59-12-2209 that the city or town legislative body provides to the commission:

2211 (a) to the county legislative body within which the city or town is located; and

2212 (b) at the same time as the city or town legislative body provides the notice to the
2213 commission.

2214 ~~[(9)(a)]~~ (6) Subject to ~~[Subsections (9)(b) through (e) and]~~ Section 59-12-2207, the
2215 commission shall transmit revenues collected within a county, city, or town from a tax under
2216 this part that will be expended for a purpose described in ~~[Subsection (3)(b) or Subsections~~
2217 ~~(4)(b) through (f)]~~ Section 59-12-2212.2 to the county, city, or town legislative body in
2218 accordance with Section 59-12-2206.

2219 ~~[(b) Except as provided in Subsection (9)(c) and subject to Section 59-12-2207, the~~
2220 ~~commission shall deposit revenues collected within a county, city, or town from a sales and use~~
2221 ~~tax under this section that:]~~

2222 ~~[(i) are required to be expended for a purpose described in Subsection (6)(a) into the~~
2223 ~~Local Transportation Corridor Preservation Fund created by Section 72-2-117.5; or]~~

2224 ~~[(ii) a county, city, or town legislative body determines to expend for a purpose~~
2225 ~~described in Subsection (3)(a) or (4)(a) into the County of the Second Class State Highway~~
2226 ~~Projects Fund created by Section 72-2-121.2 if the county, city, or town legislative body~~
2227 ~~provides written notice to the commission requesting the deposit.]~~

2228 ~~[(c) Subject to Subsection (9)(d) or (e), if a city or town legislative body provides~~
2229 ~~notice to the commission in accordance with Subsection (7)(d), the commission shall:]~~

2230 ~~[(i) transmit the revenues collected from the tax rate stated on the notice to the city or~~
2231 ~~town legislative body monthly by electronic funds transfer; and]~~

2232 ~~[(ii) deposit any remaining revenues described in Subsection (7)(c) in accordance with~~
2233 ~~Subsection (7)(c).]~~

2234 ~~[(d) (i) If a city or town legislative body provides the notice described in Subsection~~
2235 ~~(7)(d)(i) to the commission, the commission shall transmit or deposit the revenues collected~~
2236 ~~from the sales and use tax:]~~

2237 ~~[(A) in accordance with Subsection (9)(c);]~~

2238 ~~[(B) beginning on the date the city or town legislative body enacts the sales and use~~
2239 ~~tax; and]~~

2240 ~~[(C) ending on the earlier of the June 30 immediately following the date the city or~~
2241 ~~town legislative body provides the notice described in Subsection (7)(d)(ii) to the commission~~

2242 or the date the city or town legislative body repeals the sales and use tax.]

2243 ~~[(ii) If a city or town legislative body provides the notice described in Subsection~~
2244 ~~(7)(d)(ii) or (iii) to the commission, the commission shall transmit or deposit the revenues~~
2245 ~~collected from the sales and use tax:]~~

2246 ~~[(A) in accordance with Subsection (9)(c);]~~

2247 ~~[(B) beginning on the July 1 immediately following the date the city or town legislative~~
2248 ~~body provides the notice described in Subsection (7)(d)(ii) or (iii) to the commission, and]~~

2249 ~~[(C) ending on the earlier of the June 30 of the year after the date the city or town~~
2250 ~~legislative body provides the notice described in Subsection (7)(d)(ii) or (iii) to the commission~~
2251 ~~or the date the city or town legislative body repeals the sales and use tax:]~~

2252 ~~[(e) (i) If a city or town legislative body that is required to provide the notice described~~
2253 ~~in Subsection (7)(d)(i) does not provide the notice described in Subsection (7)(d)(i) to the~~
2254 ~~commission on or before the date required by Subsection (7)(d) for providing the notice, the~~
2255 ~~commission shall transmit, transfer, or deposit the revenues collected from the sales and use~~
2256 ~~tax within the city or town in accordance with Subsections (9)(a) and (b).]~~

2257 ~~[(ii) If a city or town legislative body that is required to provide the notice described in~~
2258 ~~Subsection (7)(d)(ii) or (iii) does not provide the notice described in Subsection (7)(d)(ii) or~~
2259 ~~(iii) to the commission on or before the date required by Subsection (7)(d) for providing the~~
2260 ~~notice, the commission shall transmit or deposit the revenues collected from the sales and use~~
2261 ~~tax within the city or town in accordance with:]~~

2262 ~~[(A) Subsection (9)(c); and]~~

2263 ~~[(B) the most recent notice the commission received from the city or town legislative~~
2264 ~~body under Subsection (7)(d).]~~

2265 ~~[(H)]~~ (7) Notwithstanding Section 59-12-2208, a county, city, or town legislative body
2266 may, but is not required to, submit an opinion question to the county's, city's, or town's
2267 registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under
2268 this section.

2269 ~~[(H)]~~ (8) (a) (i) Notwithstanding any other provision in this section, if the entire

2270 boundary of a county, city, or town is annexed into a large public transit district, if the county,
 2271 city, or town legislative body wishes to impose a sales and use tax under this section, the
 2272 county, city, or town legislative body shall pass the ordinance to impose a sales and use tax
 2273 under this section on or before June 30, 2022.

2274 (ii) If the entire boundary of a county, city, or town is annexed into a large public
 2275 transit district, the county, city, or town legislative body may not pass the ordinance to impose
 2276 a sales and use tax under this section on or after July 1, 2022.

2277 (b) Notwithstanding the deadline described in Subsection ~~[(11)]~~ (8)(a), any sales and
 2278 use tax imposed under this section by passage of a county, city, or town ordinance on or before
 2279 June 30, 2022, may remain in effect.

2280 Section 24. Section **59-12-2219** is amended to read:

2281 **59-12-2219. County option sales and use tax for highways and public transit --**
 2282 **Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant**
 2283 **existing budgeted transportation revenue.**

2284 (1) As used in this section:

2285 ~~[(a) "Class B road" means the same as that term is defined in Section 72-3-103.]~~

2286 ~~[(b) "Class C road" means the same as that term is defined in Section 72-3-104.]~~

2287 ~~[(c)]~~ (a) "Eligible political subdivision" means a political subdivision that:

2288 (i) (A) on May 12, 2015, provides public transit services; or

2289 (B) after May 12, 2015, provides written notice to the commission in accordance with
 2290 Subsection ~~[(10)]~~ (9)(b) that it intends to provide public transit service within a county;

2291 (ii) is not a public transit district; and

2292 (iii) is not annexed into a public transit district.

2293 ~~[(d)]~~ (b) "Public transit district" means a public transit district organized under Title
 2294 17B, Chapter 2a, Part 8, Public Transit District Act.

2295 (2) Subject to the other provisions of this part, and subject to Subsection ~~[(17)]~~ (15), a
 2296 county legislative body may impose a sales and use tax of .25% on the transactions described in
 2297 Subsection 59-12-103(1) within the county, including the cities and towns within the county.

2298 (3) Subject to [~~Subsections (11) and (12)~~] Subsection (10), the commission shall
2299 distribute sales and use tax revenue collected under this section as provided in Subsections (4)
2300 through [~~(10)~~] (9).

2301 (4) If the entire boundary of a county that imposes a sales and use tax under this section
2302 is annexed into a single public transit district, the commission shall distribute the sales and use
2303 tax revenue collected within the county as follows:

2304 (a) .10% shall be transferred to the public transit district in accordance with Section
2305 59-12-2206;

2306 (b) .10% shall be distributed as provided in Subsection [~~(8)~~] (7); and

2307 (c) .05% shall be distributed to the county legislative body.

2308 (5) If the entire boundary of a county that imposes a sales and use tax under this section
2309 is not annexed into a single public transit district, but a city or town within the county is
2310 annexed into a single large public transit district [~~that also has a county of the first class~~
2311 ~~annexed into the same public transit district~~], the commission shall distribute the sales and use
2312 tax revenue collected within the county as follows:

2313 (a) for a city or town within the county that is annexed into a single public transit
2314 district, the commission shall distribute the sales and use tax revenue collected within that city
2315 or town as follows:

2316 (i) .10% shall be transferred to the public transit district in accordance with Section
2317 59-12-2206;

2318 (ii) .10% shall be distributed as provided in Subsection [~~(8)~~] (7); and

2319 (iii) .05% shall be distributed to the county legislative body;

2320 (b) for an eligible political subdivision within the county, the commission shall
2321 distribute the sales and use tax revenue collected within that eligible political subdivision as
2322 follows:

2323 (i) .10% shall be transferred to the eligible political subdivision in accordance with
2324 Section 59-12-2206;

2325 (ii) .10% shall be distributed as provided in Subsection [~~(8)~~] (7); and

2326 (iii) .05% shall be distributed to the county legislative body; and
2327 (c) the commission shall distribute the sales and use tax revenue, except for the sales
2328 and use tax revenue described in Subsections (5)(a) and (b), as follows:
2329 (i) .10% shall be distributed as provided in Subsection ~~[(8)]~~ (7); and
2330 (ii) .15% shall be distributed to the county legislative body.
2331 ~~[(6) For a county not described in Subsection (4) or (5), if the entire boundary of a~~
2332 ~~county of the first or second class that imposes a sales and use tax under this section is not~~
2333 ~~annexed into a single public transit district, or if there is not a public transit district within the~~
2334 ~~county, the commission shall distribute the sales and use tax revenue collected within the~~
2335 ~~county as follows:]~~
2336 ~~[(a) for a city or town within the county that is annexed into a single public transit~~
2337 ~~district, the commission shall distribute the sales and use tax revenue collected within that city~~
2338 ~~or town as follows:]~~
2339 ~~[(i) .10% shall be transferred to the public transit district in accordance with Section~~
2340 ~~59-12-2206;]~~
2341 ~~[(ii) .10% shall be distributed as provided in Subsection (8); and]~~
2342 ~~[(iii) .05% shall be distributed to the county legislative body;]~~
2343 ~~[(b) for an eligible political subdivision within the county, the commission shall~~
2344 ~~distribute the sales and use tax revenue collected within that eligible political subdivision as~~
2345 ~~follows:]~~
2346 ~~[(i) .10% shall be transferred to the eligible political subdivision in accordance with~~
2347 ~~Section 59-12-2206;]~~
2348 ~~[(ii) .10% shall be distributed as provided in Subsection (8); and]~~
2349 ~~[(iii) .05% shall be distributed to the county legislative body; and]~~
2350 ~~[(c) the commission shall distribute the sales and use tax revenue, except for the sales~~
2351 ~~and use tax revenue described in Subsections (6)(a) and (b), as follows:]~~
2352 ~~[(i) .10% shall be distributed as provided in Subsection (8); and]~~
2353 ~~[(ii) .15% shall be distributed to the county legislative body.]~~

2354 ~~[(7)]~~ (6) For a county not described in Subsection (4) or (5), if ~~[the entire boundary of]~~
 2355 a county of the second, third, fourth, fifth, or sixth class ~~[that]~~ imposes a sales and use tax
 2356 under this section ~~[is not annexed into a single public transit district, or if there is not a public~~
 2357 ~~transit district within the county]~~, the commission shall distribute the sales and use tax revenue
 2358 collected within the county as follows:

2359 (a) for a city or town within the county that is annexed into a single public transit
 2360 district, the commission shall distribute the sales and use tax revenue collected within that city
 2361 or town as follows:

- 2362 (i) .10% shall be distributed as provided in Subsection ~~[(8)]~~ (7);
- 2363 (ii) .10% shall be distributed as provided in Subsection ~~[(9)]~~ (8); and
- 2364 (iii) .05% shall be distributed to the county legislative body;

2365 (b) for an eligible political subdivision within the county, the commission shall
 2366 distribute the sales and use tax revenue collected within that eligible political subdivision as
 2367 follows:

- 2368 (i) .10% shall be distributed as provided in Subsection ~~[(8)]~~ (7);
- 2369 (ii) .10% shall be distributed as provided in Subsection ~~[(9)]~~ (8); and
- 2370 (iii) .05% shall be distributed to the county legislative body; and

2371 (c) the commission shall distribute the sales and use tax revenue, except for the sales
 2372 and use tax revenue described in Subsections ~~[(7)]~~ (6)(a) and (b), as follows:

- 2373 (i) .10% shall be distributed as provided in Subsection ~~[(8)]~~ (7); and
- 2374 (ii) .15% shall be distributed to the county legislative body.

2375 ~~[(8)]~~ (7) (a) Subject to Subsection ~~[(8)]~~ (7)(b), the commission shall make the
 2376 distributions required by Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), (5)(c)(i), ~~[(6)(a)(ii), (6)(b)(ii),~~
 2377 ~~(6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), (9)(d)(ii)(A), and (12)(c)(i)]~~ (6)(a)(i), (6)(b)(i), (6)(c)(i),
 2378 and (8)(d)(ii)(A) as follows:

- 2379 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
 2380 (5)(c)(i), ~~[(6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), (9)(d)(ii)(A), and (12)(c)(i)]~~
 2381 (6)(a)(i), (6)(b)(i), (6)(c)(i), and (8)(d)(ii)(A) within the counties and cities that impose a tax

2382 under this section shall be distributed to the unincorporated areas, cities, and towns within
 2383 those counties and cities on the basis of the percentage that the population of each
 2384 unincorporated area, city, or town bears to the total population of all of the counties and cities
 2385 that impose a tax under this section; and

2386 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii),
 2387 (5)(c)(i), ~~[(6)(a)(ii), (6)(b)(ii), (6)(c)(i), (7)(a)(i), (7)(b)(i), (7)(c)(i), (9)(d)(ii)(A), and (12)(c)(i)]~~
 2388 (6)(a)(i), (6)(b)(i), (6)(c)(i), and (8)(d)(ii)(A) within the counties and cities that impose a tax
 2389 under this section shall be distributed to the unincorporated areas, cities, and towns within
 2390 those counties and cities on the basis of the location of the transaction as determined under
 2391 Sections [59-12-211](#) through [59-12-215](#).

2392 (b) (i) Population for purposes of this Subsection ~~[(8)]~~ (7) shall be determined on the
 2393 basis of the most recent official census or census estimate of the United States Bureau of the
 2394 Census.

2395 (ii) If a needed population estimate is not available from the United States Bureau of
 2396 the Census, population figures shall be derived from an estimate from the Utah Population
 2397 Committee.

2398 ~~[(9)]~~ (8) (a) (i) Subject to the requirements in Subsections ~~[(9)]~~ (8)(b) and (c), a county
 2399 legislative body:

2400 (A) for a county that obtained approval from a majority of the county's registered
 2401 voters voting on the imposition of a sales and use tax under this section prior to May 10, 2016,
 2402 may, in consultation with any cities, towns, or eligible political subdivisions within the county,
 2403 and in compliance with the requirements for changing an allocation under Subsection ~~[(9)]~~
 2404 (8)(e), allocate the revenue under Subsection ~~[(7)]~~ (6)(a)(ii) or ~~[(7)]~~ (6)(b)(ii) by adopting a
 2405 resolution specifying the percentage of revenue under Subsection ~~[(7)]~~ (6)(a)(ii) or ~~[(7)]~~
 2406 (6)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision; or

2407 (B) for a county that ~~[obtains approval from a majority of the county's registered voters~~
 2408 ~~voting on the imposition of]~~ imposes a sales and use tax under this section on or after May 10,
 2409 2016, shall, in consultation with any cities, towns, or eligible political subdivisions within the

2410 county, allocate the revenue under Subsection [(7)] (6)(a)(ii) or [(7)] (6)(b)(ii) by adopting a
2411 resolution specifying the percentage of revenue under Subsection [(7)] (6)(a)(ii) or [(7)]
2412 (6)(b)(ii) that will be allocated to a public transit district or an eligible political subdivision.

2413 (ii) If a county described in Subsection [(9)] (8)(a)(i)(A) does not allocate the revenue
2414 under Subsection [(7)] (6)(a)(ii) or [(7)] (6)(b)(ii) in accordance with Subsection [(9)]
2415 (8)(a)(i)(A), the commission shall distribute 100% of the revenue under Subsection [(7)]
2416 (6)(a)(ii) or [(7)] (6)(b)(ii) to:

2417 (A) a public transit district for a city or town within the county that is annexed into a
2418 single public transit district; or

2419 (B) an eligible political subdivision within the county.

2420 (b) If a county legislative body allocates the revenue as described in Subsection [(9)]
2421 (8)(a)(i), the county legislative body shall allocate not less than 25% of the revenue under
2422 Subsection [(7)] (6)(a)(ii) or [(7)] (6)(b)(ii) to:

2423 (i) a public transit district for a city or town within the county that is annexed into a
2424 single public transit district; or

2425 (ii) an eligible political subdivision within the county.

2426 (c) Notwithstanding Section 59-12-2208, the opinion question [~~required by~~] described
2427 in Section 59-12-2208 shall state the allocations the county legislative body makes in
2428 accordance with this Subsection [(9)] (8).

2429 (d) The commission shall make the distributions required by Subsection [(7)] (6)(a)(ii)
2430 or [(7)] (6)(b)(ii) as follows:

2431 (i) the percentage specified by a county legislative body shall be distributed in
2432 accordance with a resolution adopted by a county legislative body under Subsection [(9)] (8)(a)
2433 to an eligible political subdivision or a public transit district within the county; and

2434 (ii) except as provided in Subsection [(9)] (8)(a)(ii), if a county legislative body
2435 allocates less than 100% of the revenue under Subsection [(7)] (6)(a)(ii) or [(7)] (6)(b)(ii) to a
2436 public transit district or an eligible political subdivision, the remainder of the revenue under
2437 Subsection [(7)] (6)(a)(ii) or [(7)] (6)(b)(ii) not allocated by a county legislative body through a

2438 resolution under Subsection [~~(9)~~] (8)(a) shall be distributed as follows:

2439 (A) 50% of the revenue as provided in Subsection [~~(8)~~] (7); and

2440 (B) 50% of the revenue to the county legislative body.

2441 (e) If a county legislative body seeks to change an allocation specified in a resolution
2442 under Subsection [~~(9)~~] (8)(a), the county legislative body may change the allocation by:

2443 (i) adopting a resolution in accordance with Subsection [~~(9)~~] (8)(a) specifying the
2444 percentage of revenue under Subsection [~~(7)~~] (6)(a)(ii) or [~~(7)~~] (6)(b)(ii) that will be allocated
2445 to a public transit district or an eligible political subdivision;

2446 (ii) obtaining approval to change the allocation of the sales and use tax by a majority of
2447 all the members of the county legislative body; and

2448 (iii) subject to Subsection [~~(9)~~] (8)(f):

2449 (A) in accordance with Section 59-12-2208, submitting an opinion question to the
2450 county's registered voters voting on changing the allocation so that each registered voter has the
2451 opportunity to express the registered voter's opinion on whether the allocation should be
2452 changed; and

2453 (B) in accordance with Section 59-12-2208, obtaining approval to change the
2454 allocation from a majority of the county's registered voters voting on changing the allocation.

2455 (f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection
2456 [~~(9)~~] (8)(e)(iii)(A) shall state the allocations specified in the resolution adopted in accordance
2457 with Subsection [~~(9)~~] (8)(e) and approved by the county legislative body in accordance with
2458 Subsection [~~(9)~~] (8)(e)(ii).

2459 (g) (i) If a county makes an allocation by adopting a resolution under Subsection [~~(9)~~]
2460 (8)(a) or changes an allocation by adopting a resolution under Subsection [~~(9)~~] (8)(e), the
2461 allocation shall take effect on the first distribution the commission makes under this section
2462 after a 90-day period that begins on the date the commission receives written notice meeting
2463 the requirements of Subsection [~~(9)~~] (8)(g)(ii) from the county.

2464 (ii) The notice described in Subsection [~~(9)~~] (8)(g)(i) shall state:

2465 (A) that the county will make or change the percentage of an allocation under

2466 Subsection [~~(9)~~] (8)(a) or (e); and

2467 (B) the percentage of revenue under Subsection [~~(7)~~] (6)(a)(ii) or [~~(7)~~] (6)(b)(ii) that
2468 will be allocated to a public transit district or an eligible political subdivision.

2469 [~~(10)~~] (9) (a) If a public transit district is organized after the date a county legislative
2470 body first imposes a tax under this section, a change in a distribution required by this section
2471 may not take effect until the first distribution the commission makes under this section after a
2472 90-day period that begins on the date the commission receives written notice from the public
2473 transit district of the organization of the public transit district.

2474 (b) If an eligible political subdivision intends to provide public transit service within a
2475 county after the date a county legislative body first imposes a tax under this section, a change
2476 in a distribution required by this section may not take effect until the first distribution the
2477 commission makes under this section after a 90-day period that begins on the date the
2478 commission receives written notice from the eligible political subdivision stating that the
2479 eligible political subdivision intends to provide public transit service within the county.

2480 [~~(11)~~] (10) (a) (i) Notwithstanding Subsections (4) through [~~(10)~~] (9), for a county that
2481 has not imposed a sales and use tax under this section before May 8, 2018, and if the county
2482 imposes a sales and use tax under this section before June 30, 2019, the commission shall
2483 distribute all of the sales and use tax revenue collected by the county before June 30, 2019, to
2484 the county for the purposes described in Subsection [~~(11)~~] (10)(a)(ii).

2485 (ii) For any revenue collected by a county pursuant to Subsection [~~(11)~~] (10)(a)(i)
2486 before June 30, 2019, the county may expend that revenue for:

2487 (A) reducing transportation related debt;

2488 (B) a regionally significant transportation facility; or

2489 (C) a public transit project of regional significance.

2490 (b) For a county that has not imposed a sales and use tax under this section before May
2491 8, 2018, and if the county imposes a sales and use tax under this section before June 30, 2019,
2492 the commission shall distribute the sales and use tax revenue collected by the county on or after
2493 July 1, 2019, as described in Subsections (4) through [~~(10)~~] (9).

2494 (c) [~~Subject to Subsection (12), for~~] For a county that has not imposed a sales and use
2495 tax under this section before June 30, 2019, if the entire boundary of that county is annexed
2496 into a large public transit district, and if the county imposes a sales and use tax under this
2497 section on or after July 1, 2019, the commission shall distribute the sales and use tax revenue
2498 collected by the county as described in Subsections (4) through [~~(10)~~] (9).

2499 [~~(12) (a) Beginning on July 1, 2020, if a county has not imposed a sales and use tax~~
2500 ~~under this section, subject to the provisions of this part, the legislative body of a city or town~~
2501 ~~described in Subsection (12)(b) may impose a .25% sales and use tax on the transactions~~
2502 ~~described in Subsection 59-12-103(1) within the city or town.~~]

2503 [~~(b) The following cities or towns may impose the sales and use tax as described in~~
2504 ~~Subsection (12)(a):~~]

2505 [(i) ~~in a county of the first, second, or third class, a city or town that:~~]

2506 [~~(A) has been annexed into a public transit district; or~~]

2507 [~~(B) is an eligible political subdivision; or~~]

2508 [(ii) ~~a city or town that:~~]

2509 [~~(A) is in a county of the third or smaller class; and~~]

2510 [~~(B) has been annexed into a large public transit district.~~]

2511 [~~(c) If a city or town imposes a sales and use tax as provided in this section, the~~
2512 ~~commission shall distribute the sales and use tax revenue collected by the city or town as~~
2513 ~~follows:~~]

2514 [(i) ~~.125% to the city or town that imposed the sales and use tax, to be distributed as~~
2515 ~~provided in Subsection (8); and~~]

2516 [(ii) ~~.125%, as applicable, to:~~]

2517 [~~(A) the large public transit district in which the city or town is annexed; or~~]

2518 [~~(B) the eligible political subdivision for public transit services.~~]

2519 [~~(d) If a city or town imposes a sales and use tax under this section and the county~~
2520 ~~subsequently imposes a sales and use tax under this section, the commission shall distribute the~~
2521 ~~sales and use tax revenue collected within the city or town as described in Subsection (12)(c).~~]

2522 ~~[(13) A county, city, or town may expend revenue collected from a tax under this~~
2523 ~~section, except for revenue the commission distributes in accordance with Subsection (4)(a),~~
2524 ~~(5)(a)(i), (5)(b)(i), or (9)(d)(i) for:]~~

2525 ~~[(a) a class B road;]~~

2526 ~~[(b) a class C road;]~~

2527 ~~[(c) traffic and pedestrian safety, including for a class B road or class C road, for:]~~

2528 ~~[(i) a sidewalk;]~~

2529 ~~[(ii) curb and gutter;]~~

2530 ~~[(iii) a safety feature;]~~

2531 ~~[(iv) a traffic sign;]~~

2532 ~~[(v) a traffic signal;]~~

2533 ~~[(vi) street lighting; or]~~

2534 ~~[(vii) a combination of Subsections (13)(c)(i) through (vi);]~~

2535 ~~[(d) the construction, maintenance, or operation of an active transportation facility that~~
2536 ~~is for nonmotorized vehicles and multimodal transportation and connects an origin with a~~
2537 ~~destination;]~~

2538 ~~[(e) public transit system services; or]~~

2539 ~~[(f) a combination of Subsections (13)(a) through (e):]~~

2540 (11) A county, city, or town may expend revenue collected from a tax under this
2541 section, except for revenue the commission distributes in accordance with Subsection (4)(a),
2542 (5)(a)(i), (5)(b)(i), or (8)(d)(i), for a purpose described in Section [59-12-2212.2](#).

2543 ~~[(14)]~~ (12) A public transit district or an eligible political subdivision may expend
2544 revenue the commission distributes in accordance with Subsection (4)(a), (5)(a)(i), (5)(b)(i), or
2545 ~~[(9)]~~ (8)(d)(i) for capital expenses and service delivery expenses of the public transit district or
2546 eligible political subdivision.

2547 ~~[(15)]~~ (13) (a) Revenue collected from a sales and use tax under this section may not be
2548 used to supplant existing general fund appropriations that a county, city, or town has budgeted
2549 for transportation as of the date the tax becomes effective for a county, city, or town.

2550 (b) The limitation under Subsection ~~[(15)]~~ (13)(a) does not apply to a designated
2551 transportation capital or reserve account a county, city, or town may have established prior to
2552 the date the tax becomes effective.

2553 ~~[(16)]~~ (14) Notwithstanding Section 59-12-2208, a county, city, or town legislative
2554 body may, but is not required to, submit an opinion question to the county's, city's, or town's
2555 registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under
2556 this section.

2557 ~~[(17) (a) (i) (A) Notwithstanding any other provision in this section, if the county, city,~~
2558 ~~or town legislative body wishes to impose a sales and use tax under this section, the city or~~
2559 ~~town legislative body shall pass the ordinance to impose a sales and use tax under this section~~
2560 ~~on or before June 30, 2022.]~~

2561 ~~[(B) A city legislative body may not pass an ordinance to impose a sales and use tax~~
2562 ~~under this section on or after July 1, 2022.]~~

2563 ~~[(ii) (A)]~~ (15) (a) (i) Notwithstanding any other provision in this section, if the entire
2564 boundary of a county is annexed into a large public transit district, if the county legislative
2565 body wishes to impose a sales and use tax under this section, the county legislative body shall
2566 pass the ordinance to impose a sales and use tax under this section on or before June 30, 2022.

2567 ~~[(B)]~~ (ii) If the entire boundary of a county is annexed into a large public transit
2568 district, the county legislative body may not pass an ordinance to impose a sales and use tax
2569 under this section on or after July 1, 2022.

2570 (b) Notwithstanding the deadline described in Subsection ~~[(17)]~~ (15)(a), any sales and
2571 use tax imposed under this section by passage of a county ordinance on or before June 30,
2572 2022, may remain in effect.

2573 (16) (a) Beginning on July 1, 2020, and subject to Subsection (17), if a county has not
2574 imposed a sales and use tax under this section, subject to the provisions of this part, the
2575 legislative body of a city or town described in Subsection (16)(b) may impose a .25% sales and
2576 use tax on the transactions described in Subsection 59-12-103(1) within the city or town.

2577 (b) The following cities or towns may impose a sales and use tax described in

2578 Subsection (16)(a):

2579 (i) a city or town that has been annexed into a public transit district; or

2580 (ii) an eligible political subdivision.

2581 (c) If a city or town imposes a sales and use tax as provided in this section, the

2582 commission shall distribute the sales and use tax revenue collected by the city or town as

2583 follows:

2584 (i) .125% to the city or town that imposed the sales and use tax, to be distributed as

2585 provided in Subsection (7); and

2586 (ii) .125%, as applicable, to:

2587 (A) the public transit district in which the city or town is annexed; or

2588 (B) the eligible political subdivision for public transit services.

2589 (d) If a city or town imposes a sales and use tax under this section and the county

2590 subsequently imposes a sales and use tax under this section, the commission shall distribute the

2591 sales and use tax revenue collected within the city or town as described in Subsection (16)(c).

2592 (17) (a) (i) Notwithstanding any other provision in this section, if a city or town

2593 legislative body wishes to impose a sales and use tax under this section, the city or town

2594 legislative body shall pass the ordinance to impose a sales and use tax under this section on or

2595 before June 30, 2022.

2596 (ii) A city or town legislative body may not pass an ordinance to impose a sales and use

2597 tax under this section on or after July 1, 2022.

2598 (b) Notwithstanding the deadline described in Subsection (17)(a), any sales and use tax

2599 imposed under this section by passage of an ordinance by a city or town legislative body on or

2600 before June 30, 2022, may remain in effect.

2601 Section 25. Section **59-12-2220** is amended to read:

2602 **59-12-2220. County option sales and use tax to fund a system for public transit --**

2603 **Base -- Rate.**

2604 (1) Subject to the other provisions of this part and subject to the requirements of this

2605 section, beginning on July 1, 2019, the following counties may impose a sales and use tax

2606 under this section:

2607 (a) a county legislative body may impose the sales and use tax on the transactions
2608 described in Subsection 59-12-103(1) located within the county, including the cities and towns
2609 within the county if:

2610 (i) the entire boundary of a county is annexed into a large public transit district; and
2611 (ii) [~~the county has imposed~~] the maximum amount of sales and use tax authorizations
2612 allowed pursuant to Section 59-12-2203 and authorized under the following sections has been
2613 imposed:

- 2614 (A) Section 59-12-2213;
- 2615 (B) Section 59-12-2214;
- 2616 (C) Section 59-12-2215;
- 2617 (D) Section 59-12-2216;
- 2618 (E) Section 59-12-2217;
- 2619 (F) Section 59-12-2218; and
- 2620 (G) Section 59-12-2219;

2621 (b) if the county is not annexed into a large public transit district, the county legislative
2622 body may impose the sales and use tax on the transactions described in Subsection
2623 59-12-103(1) located within the county, including the cities and towns within the county if:

- 2624 (i) the county is an eligible political subdivision as defined in Section 59-12-2219; or
- 2625 (ii) a city or town within the boundary of the county is an eligible political subdivision
2626 as defined in Section 59-12-2219; or

2627 (c) a county legislative body of a county not described in Subsection (1)(a) may impose
2628 the sales and use tax on the transactions described in Subsection 59-12-103(1) located within
2629 the county, including the cities and towns within the county, if there is a [~~small~~] public transit
2630 district within the boundary of the county.

2631 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a
2632 county legislative body that imposes a sales and use tax under this section may impose the tax
2633 at a rate of [~~up to~~] .2%.

2634 (3) A county imposing a sales and use tax under this section shall expend the revenues
2635 collected from the sales and use tax for capital expenses and service delivery expenses of:

- 2636 (a) a public transit district;
- 2637 (b) an eligible political subdivision; or
- 2638 (c) another entity providing a service for public transit or a transit facility within the
2639 county as those terms are defined in Section 17B-2a-802.

2640 (4) Notwithstanding Section 59-12-2208, a county legislative body may, but is not
2641 required to, submit an opinion question to the county's registered voters in accordance with
2642 Section 59-12-2208 to impose a sales and use tax under this section.

2643 (5) (a) Notwithstanding any other provision in this section, if a county wishes to
2644 impose a sales and use tax under this section, the county legislative body shall pass the
2645 ordinance to impose a sales and use tax under this section on or before June 30, 2023.

2646 (b) The county legislative body may not pass an ordinance to impose a sales and use
2647 tax under this section on or after July 1, 2023.

2648 (c) Notwithstanding the deadline described in Subsection (5)(a), any sales and use tax
2649 imposed under this section on or before June 30, 2023, may remain in effect.

2650 (6) (a) Revenue collected from a sales and use tax under this section may not be used
2651 to supplant existing General Fund appropriations that a county has budgeted for transportation
2652 or public transit as of the date the tax becomes effective for a county.

2653 (b) The limitation under Subsection (6)(a) does not apply to a designated transportation
2654 or public transit capital or reserve account a county may have established prior to the date the
2655 tax becomes effective.

2656 Section 26. Section 59-13-301 is amended to read:

2657 **59-13-301. Tax basis -- Rate -- Exemptions -- Revenue deposited with treasurer**
2658 **and credited to Transportation Fund -- Reduction of tax in limited circumstances.**

2659 (1) (a) Except as provided in Subsections (2), (3), (11), and (12) and Section
2660 59-13-304, a tax is imposed at the same rate imposed under Subsection 59-13-201(1)(a) on the:

- 2661 (i) removal of undyed diesel fuel from any refinery;

- 2662 (ii) removal of undyed diesel fuel from any terminal;
- 2663 (iii) entry into the state of any undyed diesel fuel for consumption, use, sale, or
2664 warehousing;
- 2665 (iv) sale of undyed diesel fuel to any person who is not registered as a supplier under
2666 this part unless the tax has been collected under this section;
- 2667 (v) any untaxed special fuel blended with undyed diesel fuel; or
- 2668 (vi) use of untaxed special fuel other than propane or electricity.
- 2669 (b) The tax imposed under this section shall only be imposed once upon any special
2670 fuel.
- 2671 (2) (a) No special fuel tax is imposed or collected upon dyed diesel fuel which:
- 2672 (i) is sold or used for any purpose other than to operate or propel a motor vehicle upon
2673 the public highways of the state, but this exemption applies only in those cases where the
2674 purchasers or the users of special fuel establish to the satisfaction of the commission that the
2675 special fuel was used for purposes other than to operate a motor vehicle upon the public
2676 highways of the state; or
- 2677 (ii) is sold to this state or any of its political subdivisions.
- 2678 (b) No special fuel tax is imposed on undyed diesel fuel or clean fuel that is:
- 2679 (i) sold to the United States government or any of its instrumentalities or to this state or
2680 any of its political subdivisions;
- 2681 (ii) exported from this state if proof of actual exportation on forms prescribed by the
2682 commission is made within 180 days after exportation;
- 2683 (iii) used in a vehicle off-highway;
- 2684 (iv) used to operate a power take-off unit of a vehicle;
- 2685 (v) used for off-highway agricultural uses;
- 2686 (vi) used in a separately fueled engine on a vehicle that does not propel the vehicle
2687 upon the highways of the state; or
- 2688 (vii) used in machinery and equipment not registered and not required to be registered
2689 for highway use.

2690 (3) No tax is imposed or collected on special fuel if it is:
2691 (a) (i) purchased for business use in machinery and equipment not registered and not
2692 required to be registered for highway use; and
2693 (ii) used pursuant to the conditions of a state implementation plan approved under Title
2694 19, Chapter 2, Air Conservation Act; or
2695 (b) propane or electricity.
2696 (4) Upon request of a buyer meeting the requirements under Subsection (3), the
2697 Division of Air Quality shall issue an exemption certificate that may be shown to a seller.
2698 (5) The special fuel tax shall be paid by the supplier.
2699 (6) (a) The special fuel tax shall be paid by every user who is required by Sections
2700 59-13-303 and 59-13-305 to obtain a special fuel user permit and file special fuel tax reports.
2701 (b) The user shall receive a refundable credit for special fuel taxes paid on purchases
2702 which are delivered into vehicles and for which special fuel tax liability is reported.
2703 (7) (a) Except as provided under Subsections (7)(b) and (c), all revenue received by the
2704 commission from taxes and license fees under this part shall be deposited daily with the state
2705 treasurer and credited to the Transportation Fund.
2706 (b) An appropriation from the Transportation Fund shall be made to the commission to
2707 cover expenses incurred in the administration and enforcement of this part and the collection of
2708 the special fuel tax.
2709 (c) Five dollars of each special fuel user trip permit fee paid under Section 59-13-303
2710 may be used by the commission as a dedicated credit to cover the costs of electronic
2711 credentialing as provided in Section 41-1a-303.
2712 (8) The commission may either collect no tax on special fuel exported from the state
2713 or, upon application, refund the tax paid.
2714 (9) (a) The United States government or any of its instrumentalities, this state, or a
2715 political subdivision of this state that has purchased special fuel from a supplier or from a retail
2716 dealer of special fuel and has paid the tax on the special fuel as provided in this section is
2717 entitled to a refund of the tax and may file with the commission for a quarterly refund in a

2718 manner prescribed by the commission.

2719 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2720 commission shall make rules governing the application and refund provided for in Subsection
2721 (9)(a).

2722 (10) (a) The purchaser shall pay the tax on diesel fuel or clean fuel purchased for uses
2723 under Subsections (2)(b)(i), (iii), (iv), (v), (vi), and (vii) and apply for a refund for the tax paid
2724 as provided in Subsection (9) and this Subsection (10).

2725 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2726 commission shall make rules governing the application and refund for off-highway and
2727 nonhighway uses provided under Subsections (2)(b)(iii), (iv), (vi), and (vii).

2728 (c) A refund of tax paid under this part on diesel fuel used for nonhighway agricultural
2729 uses shall be made in accordance with the tax return procedures under Section [59-13-202](#).

2730 (11) (a) Beginning on April 1, 2001, a tax imposed under this section on special fuel is
2731 reduced to the extent provided in Subsection (11)(b) if:

2732 (i) the Navajo Nation imposes a tax on the special fuel;

2733 (ii) the tax described in Subsection (11)(a)(i) is imposed without regard to whether the
2734 person required to pay the tax is an enrolled member of the Navajo Nation; and

2735 (iii) the commission and the Navajo Nation execute and maintain an agreement as
2736 provided in this Subsection (11) for the administration of the reduction of tax.

2737 (b) (i) If but for Subsection (11)(a) the special fuel is subject to a tax imposed by this
2738 section:

2739 (A) the state shall be paid the difference described in Subsection (11)(b)(ii) if that
2740 difference is greater than \$0; and

2741 (B) a person may not require the state to provide a refund, a credit, or similar tax relief
2742 if the difference described in Subsection (11)(b)(ii) is less than or equal to \$0.

2743 (ii) The difference described in Subsection (11)(b)(i) is equal to the difference
2744 between:

2745 (A) the amount of tax imposed on the special fuel by this section; less

- 2746 (B) the tax imposed and collected by the Navajo Nation on the special fuel.
- 2747 (c) For purposes of Subsections (11)(a) and (b), the tax paid to the Navajo Nation on
- 2748 the special fuel does not include any interest or penalties a taxpayer may be required to pay to
- 2749 the Navajo Nation.
- 2750 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 2751 commission shall make rules governing the procedures for administering the reduction of tax
- 2752 provided under this Subsection (11).
- 2753 (e) The agreement required under Subsection (11)(a):
- 2754 (i) may not:
- 2755 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;
- 2756 (B) provide a reduction of taxes greater than or different from the reduction described
- 2757 in this Subsection (11); or
- 2758 (C) affect the power of the state to establish rates of taxation;
- 2759 (ii) shall:
- 2760 (A) be in writing;
- 2761 (B) be signed by:
- 2762 (I) the chair of the commission or the chair's designee; and
- 2763 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
- 2764 (C) be conditioned on obtaining any approval required by federal law;
- 2765 (D) state the effective date of the agreement; and
- 2766 (E) state any accommodation the Navajo Nation makes related to the construction and
- 2767 maintenance of state highways and other infrastructure within the Utah portion of the Navajo
- 2768 Nation; and
- 2769 (iii) may:
- 2770 (A) notwithstanding Section [59-1-403](#), authorize the commission to disclose to the
- 2771 Navajo Nation information that is:
- 2772 (I) contained in a document filed with the commission; and
- 2773 (II) related to the tax imposed under this section;

2774 (B) provide for maintaining records by the commission or the Navajo Nation; or

2775 (C) provide for inspections or audits of suppliers, distributors, carriers, or retailers
2776 located or doing business within the Utah portion of the Navajo Nation.

2777 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax
2778 imposed on special fuel, any change in the amount of the reduction of taxes under this
2779 Subsection (11) as a result of the change in the tax rate is not effective until the first day of the
2780 calendar quarter after a 60-day period beginning on the date the commission receives notice:

2781 (A) from the Navajo Nation; and

2782 (B) meeting the requirements of Subsection (11)(f)(ii).

2783 (ii) The notice described in Subsection (11)(f)(i) shall state:

2784 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on
2785 special fuel;

2786 (B) the effective date of the rate change of the tax described in Subsection
2787 (11)(f)(ii)(A); and

2788 (C) the new rate of the tax described in Subsection (11)(f)(ii)(A).

2789 (g) If the agreement required by Subsection (11)(a) terminates, a reduction of tax is not
2790 permitted under this Subsection (11) beginning on the first day of the calendar quarter after a
2791 30-day period beginning on the day the agreement terminates.

2792 (h) If there is a conflict between this Subsection (11) and the agreement required by
2793 Subsection (11)(a), this Subsection (11) governs.

2794 (12) (a) ~~(i)~~ [A] Subject to Subsections (12)(a)(ii) and (iii), a tax imposed under this
2795 section on compressed natural gas is imposed at a rate of:

2796 ~~(i)~~ (A) until June 30, 2016, 10-1/2 cents per gasoline gallon equivalent;

2797 ~~(ii)~~ (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per gasoline
2798 gallon equivalent;

2799 ~~(iii)~~ (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per gasoline
2800 gallon equivalent; and

2801 ~~(iv)~~ (D) beginning on or after July 1, 2018, 16-1/2 cents per gasoline gallon

2802 equivalent.

2803 (ii) Beginning on January 1, 2020, the commission shall, on January 1, annually adjust
2804 the rate of a tax imposed under this section on compressed natural gas by taking the rate for the
2805 previous calendar year and adding an amount equal to the greater of:

2806 (A) an amount calculated by multiplying the rate of a tax imposed under this section on
2807 compressed natural gas for the previous calendar year by the actual percent change during the
2808 previous fiscal year in the Consumer Price Index; and

2809 (B) 0.

2810 (iii) The rate of a tax imposed under this section on compressed natural gas determined
2811 by the commission under Subsection (12)(a)(ii) may not exceed 22-1/2 cents per gasoline
2812 gallon equivalent.

2813 (b) (i) [~~A~~] Subject to Subsections (12)(b)(ii) and (iii), a tax imposed under this section
2814 on liquified natural gas is imposed at a rate of:

2815 [(i)] (A) until June 30, 2016, 10-1/2 cents per diesel gallon equivalent;

2816 [(ii)] (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per diesel
2817 gallon equivalent;

2818 [(iii)] (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per diesel
2819 gallon equivalent; and

2820 [(iv)] (D) beginning on or after July 1, 2018, 16-1/2 cents per diesel gallon equivalent.

2821 (ii) Beginning on January 1, 2020, the commission shall, on January 1, annually adjust
2822 the rate of a tax imposed under this section on liquified natural gas by taking the rate for the
2823 previous calendar year and adding an amount equal to the greater of:

2824 (A) an amount calculated by multiplying the rate of a tax imposed under this section on
2825 liquified natural gas for the previous calendar year by the actual percent change during the
2826 previous fiscal year in the Consumer Price Index; and

2827 (B) 0.

2828 (iii) The rate of a tax imposed under this section on liquified natural gas determined by
2829 the commission under Subsection (12)(b)(ii) may not exceed 22-1/2 cents per diesel gallon

2830 equivalent.

2831 (c) ~~(i)~~ [A] Subject to Subsections (12)(c)(ii) and (iii), a tax imposed under this section
2832 on hydrogen used to operate or propel a motor vehicle upon the public highways of the state is
2833 imposed at a rate of:

2834 ~~[(i)]~~ (A) until June 30, 2016, 10-1/2 cents per gasoline gallon equivalent;

2835 ~~[(ii)]~~ (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per gasoline
2836 gallon equivalent;

2837 ~~[(iii)]~~ (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per gasoline
2838 gallon equivalent; and

2839 ~~[(iv)]~~ (D) beginning on or after July 1, 2018, 16-1/2 cents per gasoline gallon
2840 equivalent.

2841 (ii) Beginning on January 1, 2020, the commission shall, on January 1, annually adjust
2842 the rate of a tax imposed under this section on hydrogen used to operate or propel a motor
2843 vehicle upon the public highways of the state by taking the rate for the previous calendar year
2844 and adding an amount equal to the greater of:

2845 (A) an amount calculated by multiplying the rate of a tax imposed under this section on
2846 hydrogen used to operate or propel a motor vehicle upon the public highways of the state for
2847 the previous calendar year by the actual percent change during the previous fiscal year in the
2848 Consumer Price Index; and

2849 (B) 0.

2850 (iii) The rate of a tax imposed under this section on hydrogen used to operate or propel
2851 a motor vehicle upon the public highways of the state determined by the commission under
2852 Subsection (12)(c)(ii) may not exceed 22-1/2 cents per gasoline gallon equivalent.

2853 (d) (i) The commission shall annually:

2854 (A) adjust the fuel tax rates imposed under Subsections (12)(a)(ii), (b)(ii), and (c)(ii),
2855 rounded to the nearest one-tenth of a cent;

2856 (B) publish the adjusted fuel tax as a cents per gallon rate; and

2857 (C) post or otherwise make public the adjusted fuel tax rate as determined in

2858 Subsection (12)(d)(i)(A) no later than 60 days prior to the annual effective date under
2859 Subsection (12)(d)(ii).

2860 (ii) The tax rates imposed under this Subsection (12) and adjusted as required under
2861 Subsection (12)(d)(i) shall take effect on January 1 of each year.

2862 Section 27. Section **63B-1b-102** is amended to read:

2863 **63B-1b-102. Definitions.**

2864 As used in this chapter:

2865 (1) "Agency bonds" means any bond, note, contract, or other evidence of indebtedness
2866 representing loans or grants made by an authorizing agency.

2867 (2) "Authorized official" means the state treasurer or other person authorized by a bond
2868 document to perform the required action.

2869 (3) "Authorizing agency" means the board, person, or unit with legal responsibility for
2870 administering and managing revolving loan funds.

2871 (4) "Bond document" means:

2872 (a) a resolution of the commission; or

2873 (b) an indenture or other similar document authorized by the commission that
2874 authorizes and secures outstanding revenue bonds from time to time.

2875 (5) "Commission" means the State Bonding Commission, created in Section
2876 [63B-1-201](#).

2877 (6) "Revenue bonds" means any special fund revenue bonds issued under this chapter.

2878 (7) "Revolving Loan Funds" means:

2879 (a) the Water Resources Conservation and Development Fund, created in Section
2880 [73-10-24](#);

2881 (b) the Water Resources Construction Fund, created in Section [73-10-8](#);

2882 (c) the Water Resources Cities Water Loan Fund, created in Section [73-10-22](#);

2883 (d) the Clean Fuel Conversion Funds, created in Title 19, Chapter 1, Part 4, Clean
2884 Fuels and Vehicle Technology Program Act;

2885 (e) the Water Development Security Fund and its subaccounts, created in Section

2886 73-10c-5;

2887 (f) the Agriculture Resource Development Fund, created in Section 4-18-106;

2888 (g) the Utah Rural Rehabilitation Fund, created in Section 4-19-105;

2889 (h) the Permanent Community Impact Fund, created in Section 35A-8-303;

2890 (i) the Petroleum Storage Tank Trust Fund, created in Section 19-6-409; and

2891 (j) the [~~Transportation Infrastructure Loan~~] State Infrastructure Bank Fund, created in

2892 Section 72-2-202.

2893 Section 28. Section 63B-18-401 is amended to read:

2894 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**
2895 **projects.**

2896 (1) (a) The total amount of bonds issued under this section may not exceed
2897 \$2,077,000,000.

2898 (b) When the Department of Transportation certifies to the commission that the
2899 requirements of Subsection 72-2-124(5) have been met and certifies the amount of bond
2900 proceeds that it needs to provide funding for the projects described in Subsection (2) for the
2901 next fiscal year, the commission may issue and sell general obligation bonds in an amount
2902 equal to the certified amount plus costs of issuance.

2903 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
2904 shall be provided to the Department of Transportation to pay all or part of the costs of the
2905 following state highway construction or reconstruction projects:

2906 (a) Interstate 15 reconstruction in Utah County;

2907 (b) the Mountain View Corridor;

2908 (c) the Southern Parkway; and

2909 (d) state and federal highways prioritized by the Transportation Commission through:

2910 (i) the prioritization process for new transportation capacity projects adopted under

2911 Section 72-1-304; or

2912 (ii) the state highway construction program.

2913 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this

2914 section shall be provided to the Department of Transportation.

2915 (b) The Department of Transportation shall use bond proceeds and the funds provided
2916 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,
2917 reconstruction, renovations, or improvements to the following highways:

2918 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street
2919 interchange to Payson;

2920 (ii) \$28 million for improvements to Riverdale Road in Ogden;

2921 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;

2922 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and
2923 Richardson Flat Road;

2924 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore
2925 Road;

2926 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;

2927 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder
2928 County;

2929 (viii) \$18 million for the Provo west-side connector;

2930 (ix) \$8 million for interchange modifications on I-15 in the Layton area;

2931 (x) \$3,000,000 for an energy corridor study and environmental review for
2932 improvements in the Uintah Basin;

2933 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;

2934 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State
2935 University campus to create improved access to an institution of higher education;

2936 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's
2937 Office of Economic Development for transportation infrastructure improvements associated
2938 with annual tourism events that have:

2939 (A) a significant economic development impact within the state; and

2940 (B) significant needs for congestion mitigation;

2941 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development

2942 for transportation infrastructure acquisitions and improvements that have a significant
2943 economic development impact within the state;

2944 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway
2945 construction or reconstruction projects prioritized by the Transportation Commission through
2946 the prioritization process for new transportation capacity projects adopted under Section
2947 [72-1-304](#); and

2948 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state
2949 and federal highway construction or reconstruction projects as prioritized by the Transportation
2950 Commission.

2951 (4) (a) The Department of Transportation shall use bond proceeds and the funds under
2952 Section [72-2-121](#) to pay for, or to provide funds to, a municipality, county, or political
2953 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,
2954 renovations, or improvements to the following highway or transit projects in Salt Lake County:

2955 (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;

2956 (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200
2957 South and pedestrian crossings and system connections;

2958 (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake
2959 Community College Road;

2960 (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from
2961 6200 South to 8600 South;

2962 (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from
2963 1300 West to S.R. 111;

2964 (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;

2965 (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200
2966 West to 700 West;

2967 (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;

2968 (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State
2969 Street to 900 East;

- 2970 (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
- 2971 (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West
- 2972 Temple, Main Street, and State Street;
- 2973 (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from
- 2974 5600 West to Mountain View Corridor;
- 2975 (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from
- 2976 Parkway Boulevard to SR-201 Frontage Road;
- 2977 (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from
- 2978 4800 West to 7200 West and pedestrian crossings;
- 2979 (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800
- 2980 West to 5600 West;
- 2981 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from
- 2982 12600 South to Riverton Boulevard;
- 2983 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue
- 2984 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
- 2985 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal
- 2986 Boulevard;
- 2987 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15
- 2988 to 1000 West;
- 2989 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter
- 2990 Rockwell Boulevard;
- 2991 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:
- 2992 (A) a circulator study; and
- 2993 (B) a mountain transport study; and
- 2994 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.
- 2995 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the
- 2996 Department of Transportation shall obtain from the municipality or county:
- 2997 (A) a written certification signed by the county or city mayor or the mayor's designee

2998 certifying that the municipality or county will use the funds provided under this Subsection (4)
2999 solely for the projects described in Subsection (4)(a); and

3000 (B) other documents necessary to protect the state and the bondholders and to ensure
3001 that all legal requirements are met.

3002 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality
3003 or county receiving funds described in this Subsection (4) shall submit to the Department of
3004 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to
3005 pay project costs for the projects described in Subsection (4)(a).

3006 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,
3007 the Department of Transportation shall provide funds to the municipality or county necessary to
3008 pay project costs for the next fiscal year based upon the statement of cash flow submitted by
3009 the municipality or county.

3010 (iv) Upon the financial close of each project described in Subsection (4)(a), the
3011 municipality or county receiving funds under this Subsection (4) shall submit a statement to the
3012 Department of Transportation detailing the expenditure of funds received for each project.

3013 (c) For calendar year 2012 only:

3014 (i) the municipality or county shall submit to the Department of Transportation a
3015 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

3016 (ii) the Department of Transportation shall provide funds to the municipality or county
3017 necessary to pay project costs based upon the statement of cash flow.

3018 (5) Twenty million dollars of the bond proceeds issued under this section and funds
3019 available under Section 72-2-124 shall be provided to the [~~Transportation Infrastructure Loan~~]
3020 State Infrastructure Bank Fund created by Section 72-2-202 to make funds available for
3021 transportation infrastructure loans and transportation infrastructure assistance under Title 72,
3022 Chapter 2, Part 2, [~~Transportation Infrastructure Loan~~] State Infrastructure Bank Fund.

3023 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies
3024 necessary to make transportation infrastructure improvements, the cost of acquiring land,
3025 interests in land, easements and rights-of-way, improving sites, and making all improvements

3026 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds
3027 during the period to be covered by construction of the projects plus a period of six months after
3028 the end of the construction period, interest estimated to accrue on any bond anticipation notes
3029 issued under the authority of this title, and all related engineering, architectural, and legal fees.

3030 (7) The commission or the state treasurer may make any statement of intent relating to
3031 a reimbursement that is necessary or desirable to comply with federal tax law.

3032 (8) The Department of Transportation may enter into agreements related to the projects
3033 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under
3034 this section.

3035 (9) The Department of Transportation may enter into a new or amend an existing
3036 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any
3037 necessary covenants or requirements not otherwise provided for by law.

3038 Section 29. Section **63B-27-101** is amended to read:

3039 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**
3040 **projects.**

3041 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued
3042 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,
3043 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to
3044 fund any existing debt service reserve requirements, with the total amount of the bonds not to
3045 exceed \$1,010,000,000.

3046 (b) When the Department of Transportation certifies to the commission that the
3047 requirements of Subsection [72-2-124\(5\)](#) have been met and certifies the amount of bond
3048 proceeds that the commission needs to provide funding for the projects described in Subsection
3049 (2) for the current or next fiscal year, the commission may issue and sell general obligation
3050 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay
3051 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve
3052 requirements, not to exceed one percent of the certified amount.

3053 (c) The commission may not issue general obligation bonds authorized under this

3054 section if the issuance of the general obligation bonds would result in the total current
3055 outstanding general obligation debt of the state exceeding 50% of the limitation described in
3056 the Utah Constitution, Article XIV, Section 1.

3057 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds
3058 shall be provided to the Department of Transportation to pay all or part of the costs of the
3059 following state highway construction or reconstruction projects:

3060 (a) state and federal highways prioritized by the Transportation Commission through
3061 the prioritization process for new transportation capacity projects adopted under Section
3062 72-1-304, giving priority consideration for projects with a regional significance or that support
3063 economic development within the state, including:

3064 (i) projects that are prioritized but exceed available cash flow beyond the normal
3065 programming horizon; or

3066 (ii) projects prioritized in the state highway construction program; and

3067 (b) \$100,000,000 to be used by the Department of Transportation for transportation
3068 improvements as prioritized by the Transportation Commission for projects that:

3069 (i) have a significant economic development impact associated with recreation and
3070 tourism within the state; and

3071 (ii) address significant needs for congestion mitigation.

3072 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be
3073 provided to the [~~Transportation Infrastructure Loan~~] State Infrastructure Bank Fund created by
3074 Section 72-2-202 to make funds available for a transportation infrastructure loan or
3075 transportation infrastructure assistance under Title 72, Chapter 2, Part 2, [~~Transportation~~
3076 ~~Infrastructure Loan~~] State Infrastructure Bank Fund, including the amounts as follows:

3077 (a) \$14,000,000 to the military installation development authority created in Section
3078 63H-1-201; and

3079 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake
3080 County for roads in the northwest quadrant of Salt Lake City.

3081 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used

3082 for a public transit fixed guideway rail station associated with or adjacent to an institution of
3083 higher education.

3084 (b) Ten million dollars of the bond proceeds issued under this section shall be used by
3085 the Department of Transportation for the design, engineering, construction, or reconstruction of
3086 underpasses under a state highway connecting a state park and a project area created by a
3087 military installation development authority created in Section [63H-1-201](#).

3088 (5) The bond proceeds issued under this section shall be provided to the Department of
3089 Transportation.

3090 (6) The costs under Subsection (2) may include the costs of studies necessary to make
3091 transportation infrastructure improvements, the costs of acquiring land, interests in land, and
3092 easements and rights-of-way, the costs of improving sites, and making all improvements
3093 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to
3094 accrue on these bonds during the period to be covered by construction of the projects plus a
3095 period of six months after the end of the construction period, interest estimated to accrue on
3096 any bond anticipation notes issued under the authority of this title, and all related engineering,
3097 architectural, and legal fees.

3098 (7) The commission or the state treasurer may make any statement of intent relating to
3099 a reimbursement that is necessary or desirable to comply with federal tax law.

3100 (8) The Department of Transportation may enter into agreements related to the projects
3101 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

3102 Section 30. Section **63I-1-259** is amended to read:

3103 **63I-1-259. Repeal dates, Title 59.**

3104 (1) Section [59-1-213.1](#) is repealed on May 9, 2019.

3105 (2) Section [59-1-213.2](#) is repealed on May 9, 2019.

3106 (3) Subsection [59-1-405\(1\)\(g\)](#) is repealed on May 9, 2019.

3107 (4) Subsection [59-1-405\(2\)\(b\)](#) is repealed on May 9, 2019.

3108 (5) Section [59-7-618](#) is repealed July 1, 2020.

3109 (6) Section [59-9-102.5](#) is repealed December 31, 2020.

3110 (7) Section [59-10-1033](#) is repealed July 1, 2020.

3111 (8) Subsection [59-12-2219\(13\)](#), which addresses new revenue supplanting existing
3112 allocations, is repealed on June 30, 2020.

3113 (9) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January 1,
3114 2023.

3115 Section 31. Section **72-1-102** is amended to read:

3116 **72-1-102. Definitions.**

3117 As used in this title:

3118 (1) "Commission" means the Transportation Commission created under Section
3119 [72-1-301](#).

3120 (2) "Construction" means the construction, reconstruction, replacement, and
3121 improvement of the highways, including the acquisition of rights-of-way and material sites.

3122 (3) "Department" means the Department of Transportation created in Section [72-1-201](#).

3123 (4) "Executive director" means the executive director of the department appointed
3124 under Section [72-1-202](#).

3125 (5) "Farm tractor" has the meaning set forth in Section [41-1a-102](#).

3126 (6) "Federal aid primary highway" means that portion of connected main highways
3127 located within this state officially designated by the department and approved by the United
3128 States Secretary of Transportation under Title 23, Highways, U.S.C.

3129 (7) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
3130 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the
3131 public, or made public in an action for the partition of real property, including the entire area
3132 within the right-of-way.

3133 (8) "Highway authority" means the department or the legislative, executive, or
3134 governing body of a county or municipality.

3135 (9) "Implement of husbandry" has the meaning set forth in Section [41-1a-102](#).

3136 (10) "Interstate system" means any highway officially designated by the department
3137 and included as part of the national interstate and defense highways, as provided in the Federal

3138 Aid Highway Act of 1956 and any supplemental acts or amendments.

3139 (11) "Limited-access facility" means a highway especially designated for through
3140 traffic, and over, from, or to which neither owners nor occupants of abutting lands nor other
3141 persons have any right or easement, or have only a limited right or easement of access, light,
3142 air, or view.

3143 (12) "Motor vehicle" has the same meaning set forth in Section [41-1a-102](#).

3144 (13) "Municipality" has the same meaning set forth in Section [10-1-104](#).

3145 (14) "National highway systems highways" means that portion of connected main
3146 highways located within this state officially designated by the department and approved by the
3147 United States Secretary of Transportation under Title 23, Highways, U.S.C.

3148 (15) (a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
3149 maintained by the department where drivers, vehicles, and vehicle loads are checked or
3150 inspected for compliance with state and federal laws as specified in Section [72-9-501](#).

3151 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

3152 (16) "Port-of-entry agent" means a person employed at a port-of-entry to perform the
3153 duties specified in Section [72-9-501](#).

3154 (17) "Public transit" means the same as that term is defined in Section [17B-2a-802](#).

3155 ~~[(17)]~~ (18) "Public transit facility" means a transit vehicle, transit station, depot,
3156 passenger loading or unloading zone, parking lot, or other facility:

3157 (a) leased by or operated by or on behalf of a public transit district; and

3158 (b) related to the public transit services provided by the district, including:

3159 (i) railway or other right-of-way;

3160 (ii) railway line; and

3161 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
3162 a transit vehicle.

3163 ~~[(18)]~~ (19) "Right-of-way" means real property or an interest in real property, usually
3164 in a strip, acquired for or devoted to a highway.

3165 ~~[(19)]~~ (20) "Sealed" does not preclude acceptance of electronically sealed and

3166 submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

3167 ~~[(20)]~~ (21) "Semitrailer" has the meaning set forth in Section 41-1a-102.

3168 ~~[(21)]~~ (22) "SR" means state route and has the same meaning as state highway as
3169 defined in this section.

3170 ~~[(22)]~~ (23) "State highway" means those highways designated as state highways in
3171 Title 72, Chapter 4, Designation of State Highways Act.

3172 ~~[(23)]~~ (24) "State ~~[highway]~~ transportation purposes" has the meaning set forth in
3173 Section 72-5-102.

3174 ~~[(24)]~~ (25) "State transportation systems" means all streets, alleys, roads, highways,
3175 and thoroughfares of any kind, including connected structures, airports, spaceports, public
3176 transit facilities, and all other modes and forms of conveyance used by the public.

3177 ~~[(25)]~~ (26) "Trailer" has the meaning set forth in Section 41-1a-102.

3178 ~~[(26)]~~ (27) "Truck tractor" has the meaning set forth in Section 41-1a-102.

3179 ~~[(27)]~~ (28) "UDOT" means the Utah Department of Transportation.

3180 ~~[(28)]~~ (29) "Vehicle" has the same meaning set forth in Section 41-1a-102.

3181 Section 32. Section 72-1-202 is amended to read:

3182 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
3183 **Term -- Responsibility -- Power to bring suits -- Salary.**

3184 (1) (a) The governor, ~~[after consultation with the commission and]~~ with the consent of
3185 the Senate, shall appoint an executive director to be the chief executive officer of the
3186 department.

3187 (b) The executive director shall be a registered professional engineer and qualified
3188 executive with technical and administrative experience and training appropriate for the
3189 position.

3190 (c) The executive director shall remain in office until a successor is appointed.

3191 (d) The executive director may be removed by the governor.

3192 (2) In addition to the other functions, powers, duties, rights, and responsibilities
3193 prescribed in this chapter, the executive director shall:

3194 (a) have responsibility for the administrative supervision of the state transportation
 3195 systems and the various operations of the department;

3196 (b) have the responsibility for the implementation of rules, priorities, and policies
 3197 established by the department and the commission;

3198 (c) have the responsibility for the oversight and supervision of any transportation
 3199 project for which state funds are expended;

3200 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
 3201 department as the executive director considers reasonable and necessary for the proper
 3202 attainment of the goals of this chapter;

3203 (e) receive a salary, to be established by the governor within the salary range fixed by
 3204 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
 3205 traveling expenses while away from the executive director's office on official business; ~~and~~

3206 (f) purchase all necessary equipment and supplies for the department[-];

3207 (g) have responsibility for administrative supervision of the Comptroller Division, the
 3208 Internal Audit Division, and the Communications Division; and

3209 (h) appoint assistants, to serve at the discretion of the executive director, to administer
 3210 the divisions of the department.

3211 (3) The executive director may employ other assistants and advisers as the executive
 3212 director finds necessary and fix salaries in accordance with the salary standards adopted by the
 3213 Department of Human Resource Management.

3214 Section 33. Section **72-1-203** is amended to read:

3215 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
 3216 **and advisers -- Salaries.**

3217 (1) The executive director shall appoint two deputy directors, who shall serve at the
 3218 discretion of the executive director.

3219 (2) (a) The deputy director of engineering and operations shall be a registered
 3220 professional engineer in the state and is the chief engineer of the department.

3221 (b) The deputy director of engineering and operations shall assist the executive director

3222 with areas of responsibility [~~including~~] that may include:

3223 (i) project development, including statewide standards for project design and
 3224 construction, right-of-way, materials, testing, structures, and construction;

3225 (ii) oversight of the management of the region offices described in Section [72-1-205](#);

3226 (iii) [~~management of operations; and~~] operations and traffic management;

3227 (iv) oversight of operations of motor carriers and ports[-];

3228 (v) transportation systems safety;

3229 (vi) aeronautical operations; and

3230 (vii) equipment for department engineering and maintenance functions.

3231 [~~(b)~~] (c) The deputy director of planning and investment shall assist the executive
 3232 director with areas of responsibility [~~including~~] that may include:

3233 (i) oversight and coordination of planning, including:

3234 (A) development of statewide strategic initiatives for planning across all modes of
 3235 transportation;

3236 (B) coordination with metropolitan planning organizations and local governments; and

3237 (C) corridor and area planning;

3238 (ii) asset management;

3239 (iii) programming and prioritization of transportation projects;

3240 (iv) fulfilling requirements for environmental studies and impact statements; [~~and~~]

3241 (v) resource investment, including identification [~~and development~~], development, and
 3242 oversight of public-private partnership opportunities[-];

3243 (vi) data analytics services to the department;

3244 (vii) corridor preservation;

3245 (viii) employee development;

3246 (ix) maintenance planning; and

3247 (x) oversight and facilitation of the negotiations and integration of public transit

3248 providers described in Section [17B-2a-827](#).

3249 [~~(3)~~] ~~The executive director may also appoint assistants to administer the divisions of~~

3250 ~~the department. These assistants shall serve at the discretion of the executive director.]~~

3251 ~~[(4) In addition, the executive director may employ other assistants and advisers as the~~
3252 ~~executive director finds necessary and fix salaries in accordance with the salary standards~~
3253 ~~adopted by the Department of Human Resource Management.]~~

3254 Section 34. Section **72-1-204** is amended to read:

3255 **72-1-204. Divisions enumerated -- Duties.**

3256 ~~[The]~~ In addition to divisions created by the department necessary to administer the
3257 areas of responsibility of the deputy directors as described in Section [72-1-203](#), the divisions of
3258 the department are:

3259 (1) the Comptroller Division responsible for:

3260 (a) all financial aspects of the department, including budgeting, accounting, and
3261 contracting;

3262 (b) providing all material data and documentation necessary for effective fiscal
3263 planning and programming; and

3264 (c) procuring administrative supplies;

3265 (2) the Internal Audit Division responsible for:

3266 (a) conducting and verifying all internal audits and reviews within the department;

3267 (b) performing financial and compliance audits to determine the allowability and
3268 reasonableness of proposals, accounting records, and final costs of consultants, contractors,
3269 utility companies, and other entities used by the department; and

3270 (c) implementing audit procedures that meet or exceed generally accepted auditing
3271 standards relating to revenues, expenditures, and funding; and

3272 (3) the Communications Division responsible for:

3273 (a) developing, managing, and implementing the department's public hearing processes
3274 and programs;

3275 (b) responding to public complaints, requests, and input;

3276 (c) assisting the divisions and regions in the department's public involvement
3277 programs;

- 3278 (d) developing and managing internal department communications; and
3279 (e) managing and overseeing department media relations[;].
3280 [~~(4) the Program Development Division responsible for:~~]
3281 [~~(a) developing transportation plans for state transportation systems;~~]
3282 [~~(b) collecting, processing, and storing transportation data to support department's~~
3283 ~~engineering functions;~~]
3284 [~~(c) maintaining and operating the asset management systems;~~]
3285 [~~(d) designating state transportation systems qualifications;~~]
3286 [~~(e) developing a statewide transportation improvement program for approval by the~~
3287 ~~commission;~~]
3288 [~~(f) providing cartographic services to the department;~~]
3289 [~~(g) assisting local governments in participating in federal-aid transportation programs;~~
3290 ~~and]~~
3291 [~~(h) providing research services associated with transportation programs;~~]
3292 [~~(5) the Project Development Division responsible for:~~]
3293 [~~(a) developing statewide standards for project design and construction;~~]
3294 [~~(b) providing support for project development in the areas of design environment,~~
3295 ~~right-of-way, materials testing, structures, value engineering, and construction; and]~~
3296 [~~(c) designing specialty projects;~~]
3297 [~~(6) the Operations Division responsible for:~~]
3298 [~~(a) maintaining the state transportation systems;~~]
3299 [~~(b) state transportation systems safety;~~]
3300 [~~(c) operating state ports-of-entry;~~]
3301 [~~(d) operating state motor carrier safety programs in accordance with this title and~~
3302 ~~federal law;~~]
3303 [~~(e) aeronautical operations;~~]
3304 [~~(f) providing equipment for department engineering and maintenance functions; and]~~
3305 [~~(g) risk management; and]~~

3306 ~~[(7) the Planning and Investment Division responsible for:]~~
3307 ~~[(a) creating and managing an intermodal terminal facility to promote economic~~
3308 ~~development and investment;]~~
3309 ~~[(b) promoting strategies to synergize development of an intermodal inland port; and]~~
3310 ~~[(c) overseeing and coordinating public-private partnerships.]~~

3311 Section 35. Section **72-1-205** is amended to read:

3312 **72-1-205. Region offices -- Region directors -- Qualifications -- Responsibilities.**

3313 (1) The department shall maintain region offices throughout the state as the executive
3314 director finds reasonable and necessary for the efficient carrying out of the duties of the
3315 department.

3316 (2) (a) The executive director shall appoint a region director for each region.

3317 (b) Each region director shall be a qualified executive with technical and
3318 administrative experience and training.

3319 ~~[(3) The region director is responsible for:]~~

3320 ~~[(a) executing department policy within the region;]~~

3321 ~~[(b) supervising project development and operations of the state transportation systems~~
3322 ~~within the region; and]~~

3323 ~~[(c) promoting the department's public involvement and information programs.]~~

3324 (3) The executive director shall establish the responsibilities of each region director.

3325 (4) The executive director may also establish district offices within a region to
3326 implement maintenance, encroachment, safety, community involvement, and loss management
3327 functions of the region.

3328 Section 36. Section **72-1-213** is amended to read:

3329 **72-1-213. Road usage charge study -- Recommendations.**

3330 (1) (a) The department shall study a road usage charge mileage-based revenue system,
3331 including a demonstration program, as an alternative to the motor and special tax.

3332 (b) The demonstration program may consider:

3333 (i) the necessity of protecting all personally identifiable information used in reporting

3334 highway use;

3335 (ii) alternatives to recording and reporting highway use;

3336 (iii) alternatives to administration of a road usage charge program; and

3337 (iv) other factors as determined by the department.

3338 (2) (a) The department shall create a Road Usage Charge Advisory Committee to assist
3339 the department to conduct a road usage charge demonstration program.

3340 (b) The executive director shall appoint members of the committee, considering
3341 individuals with experience and expertise in the following areas:

3342 (i) telecommunications;

3343 (ii) data security and privacy;

3344 (iii) privacy rights advocacy organizations;

3345 (iv) transportation agencies with technical expertise;

3346 (v) national research;

3347 (vi) members of the Legislature;

3348 (vii) representatives from the State Tax Commission; and

3349 (viii) other relevant stakeholders as determined by the executive director.

3350 (c) The executive director or the executive director's designee shall serve as chair of the
3351 committee.

3352 (d) A member of the committee may not receive compensation or benefits for the
3353 member's service, but may receive per diem and travel expenses in accordance with:

3354 (i) Section [63A-3-106](#);

3355 (ii) Section [63A-3-107](#); and

3356 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
3357 [63A-3-107](#).

3358 (e) The department shall provide staff support to the committee.

3359 (3) (a) Beginning in 2019, and no later than September 30 of each year, the department
3360 shall prepare and submit a report of its findings based on the results of the road usage charge
3361 demonstration program to the:

- 3362 (i) Road Usage Charge Advisory Committee created under Subsection (2);
3363 (ii) Transportation Commission;
3364 (iii) Transportation Interim Committee of the Legislature; and
3365 (iv) Revenue and Taxation Interim Committee of the Legislature.
3366 (b) The report shall review the following issues:
3367 (i) cost;
3368 (ii) privacy, including recommendations regarding public and private access, including
3369 by law enforcement, to data collected and stored for purposes of the road usage charge to
3370 ensure individual privacy rights are protected;
3371 (iii) jurisdictional issues;
3372 (iv) feasibility;
3373 (v) complexity;
3374 (vi) acceptance;
3375 (vii) use of revenues;
3376 (viii) security and compliance, including a discussion of processes and security
3377 measures necessary to minimize fraud and tax evasion rates;
3378 (ix) data collection technology, including a discussion of the advantages and
3379 disadvantages of various types of data collection equipment and the privacy implications and
3380 considerations of the equipment;
3381 (x) potential for additional driver services; and
3382 (xi) implementation issues.
3383 (c) The report may make recommendations to the Legislature and other policymaking
3384 bodies on the potential use and future implementation of a road usage charge within the state.
3385 (4) Upon full implementation of a road user charge program for alternative fuel
3386 vehicles, which shall occur no later than January 1, 2020, as set forth in [Section 72-1-213.1](#), the
3387 department, in coordination with the Motor Vehicle Division, shall offer the option to an owner
3388 of an alternative fuel vehicle as defined in [Section 41-1a-102](#) to:
3389 (a) pay an increased motor vehicle registration fee required in Subsection

3390 [41-1a-1206](#)(1)(h) or (2)(b); or

3391 (b) participate in a road user charge program.

3392 Section 37. Section **72-1-213.1** is enacted to read:

3393 **72-1-213.1. Road usage charge program.**

3394 (1) As used in this section:

3395 (a) "Account manager" means an entity under contract with the department to
3396 administer and manage the road usage charge program.

3397 (b) "Alternative fuel vehicle" means the same as that term is defined in Section
3398 [41-1a-102](#).

3399 (c) "Payment period" means the interval during which an owner is required to report
3400 mileage and pay the appropriate road usage charge according to the terms of the program.

3401 (d) "Program" means the road usage charge program established and described in this
3402 section.

3403 (2) There is established a road usage charge program as described in this section.

3404 (3) (a) The department shall implement and oversee the administration of the program,
3405 which shall begin on January 1, 2020.

3406 (b) To implement and administer the program, the department may contract with an
3407 account manager.

3408 (4) (a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of
3409 the alternative fuel vehicle in the program.

3410 (b) If an application for enrollment into the program is approved by the department, the
3411 owner or lessee of an alternative fuel vehicle may participate in the program in lieu of paying
3412 the fee described in Subsection [41-1a-1206](#)(1)(h) or (2)(b).

3413 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3414 and consistent with this section, the department:

3415 (i) shall make rules to establish:

3416 (A) processes and terms for enrollment into and withdrawal or removal from the
3417 program;

3418 (B) payment periods and other payment methods and procedures for the program;

3419 (C) standards for mileage reporting mechanisms for an owner or lessee of an

3420 alternative fuel vehicle to report mileage as part of participation in the program;

3421 (D) standards for program functions for mileage recording, payment processing,

3422 account management, and other similar aspects of the program;

3423 (E) contractual terms between an owner or lessee of an alternative fuel vehicle owner

3424 and an account manager for participation in the program;

3425 (F) contractual terms between the department and an account manager, including

3426 authority for an account manager to enforce the terms of the program;

3427 (G) procedures to provide security and protection of personal information and data

3428 connected to the program, and penalties for account managers for violating privacy protection

3429 rules;

3430 (H) penalty procedures for a program participant's failure to pay a road usage charge or

3431 tampering with a device necessary for the program; and

3432 (I) department oversight of an account manager, including privacy protection of

3433 personal information and access and auditing capability of financial and other records related to

3434 administration of the program; and

3435 (ii) may make rules to establish:

3436 (A) an enrollment cap for certain alternative fuel vehicle types to participate in the

3437 program;

3438 (B) a process for collection of an unpaid road usage charge or penalty; or

3439 (C) integration of the program with other similar programs, such as tolling.

3440 (b) The department shall make recommendations to and consult with the commission

3441 regarding road usage mileage rates for each type of alternative fuel vehicle.

3442 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

3443 consistent with this section, the commission shall, after consultation with the department, make

3444 rules to establish the road usage charge mileage rate for each type of alternative fuel vehicle.

3445 (7) (a) Revenue generated by the road usage charge program and relevant penalties

3446 shall be deposited into the Transportation Fund.

3447 (b) The department may use revenue generated by the program to cover the costs of
3448 administering the program.

3449 (8) (a) The department may:

3450 (i) (A) impose a penalty for failure to timely pay a road usage charge according to the
3451 terms of the program or tampering with a device necessary for the program; and

3452 (B) request that the Division of Motor Vehicles place a hold on the registration of the
3453 owner's or lessee's alternative fuel vehicle for failure to pay a road usage charge according to
3454 the terms of the program;

3455 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the owner
3456 or lessee of:

3457 (A) the road usage charge program, implementation, and procedures;

3458 (B) an unpaid road usage charge and the amount of the road usage charge to be paid to
3459 the department;

3460 (C) the penalty for failure to pay a road usage charge within the time period described
3461 in Subsection (8)(a)(iii); and

3462 (D) a hold being placed on the owner's or lessee's registration for the alternative fuel
3463 vehicle, if the road usage charge and penalty are not paid within the time period described in
3464 Subsection (8)(a)(iii), which would prevent the renewal of the alternative fuel vehicle's
3465 registration; and

3466 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage
3467 charge to the department within 30 days of the date when the department sends written notice
3468 of the road usage charge to the owner or lessee.

3469 (b) The department shall send the correspondence and notice described in Subsection
3470 (8)(a) to the owner of the alternative fuel vehicle according to the terms of the program.

3471 (9) (a) The Division of Motor Vehicles and the department shall share and provide
3472 access to information pertaining to an alternative fuel vehicle and participation in the program
3473 including:

3474 (i) registration and ownership information pertaining to an alternative fuel vehicle;
3475 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to
3476 pay a road usage charge or penalty imposed under this section within the time period described
3477 in Subsection (8)(a)(iii); and

3478 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.

3479 (b) If the department requests a hold on the registration in accordance with this section,
3480 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
3481 41, Chapter 1a, Part 2, Registration, until the department withdraws the hold request.

3482 (10) The owner of an alternative fuel vehicle may apply for enrollment in the program
3483 or withdraw from the program according to the terms established by the department pursuant to
3484 rules made under Subsection (5).

3485 (11) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:

3486 (a) report mileage driven as required by the department pursuant to Subsection (5);

3487 (b) pay the road usage fee for each payment period as set by the department and the
3488 commission pursuant to Subsections (5) and (6); and

3489 (c) comply with all other provisions of this section and other requirements of the
3490 program.

3491 Section 38. Section **72-1-301** is amended to read:

3492 **72-1-301. Transportation Commission created -- Members, appointment, terms --**
3493 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

3494 (1) (a) There is created the Transportation Commission which shall consist of seven
3495 members.

3496 (b) The members of the commission shall be residents of Utah.

3497 (c) The members of the commission shall be selected on a nonpartisan basis.

3498 (d) (i) The commissioners shall be appointed by the governor, with the consent of the
3499 Senate, for a term of six years, beginning on April 1 of odd-numbered years, except as provided
3500 under Subsection (1)(d)(ii).

3501 (ii) The first two additional commissioners serving on the seven member commission

3502 shall be appointed for terms of two years nine months and four years nine months, respectively,
3503 initially commencing on July 1, 1996, and subsequently commencing as specified under
3504 Subsection (1)(d)(i).

3505 (e) The commissioners serve on a part-time basis.

3506 (f) Each commissioner shall remain in office until a successor is appointed and
3507 qualified.

3508 (2) (a) Except as provided in Subsection (2)(b), the selection of the commissioners
3509 shall be as follows:

3510 (i) one commissioner from Box Elder, Cache, or Rich county;

3511 (ii) one commissioner from Salt Lake or Tooele county;

3512 (iii) one commissioner from Carbon, Emery, Grand, or San Juan county;

3513 (iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,
3514 Sevier, Washington, or Wayne county;

3515 (v) one commissioner from Weber, Davis, or Morgan county;

3516 (vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or
3517 Daggett county; and

3518 (vii) one commissioner selected from the state at large.

3519 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and
3520 subject to the restriction in Subsection (2)(d), the selection of commissioners shall be as
3521 follows:

3522 (i) four commissioners with one commissioner selected from each of the four regions
3523 established by the department; and

3524 (ii) subject to the restriction in Subsection (2)(c), three commissioners selected from
3525 the state at large.

3526 (c) (i) At least one of the three commissioners appointed under Subsection (2)(b)(ii)
3527 shall be selected from a rural county.

3528 (ii) For purposes of this Subsection (2)(c), a rural county includes a county of the third,
3529 fourth, fifth, or sixth class.

3530 (d) No more than two commissioners appointed under Subsection (2)(b) may be
3531 selected from any one of the four regions established by the department.

3532 (3) A member may not receive compensation or benefits for the member's service, but
3533 may receive per diem and travel expenses in accordance with:

3534 (a) Section 63A-3-106;

3535 (b) Section 63A-3-107; and

3536 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3537 63A-3-107.

3538 (4) (a) One member of the commission shall be designated by the governor as chair.

3539 (b) The commission shall select one member as vice chair to act in the chair's absence.

3540 (5) Any four commissioners constitute a quorum.

3541 (6) Each member of the commission shall qualify by taking the constitutional oath of
3542 office.

3543 (7) For the purposes of Section 63J-1-504, the commission is not considered an
3544 agency.

3545 Section 39. Section 72-1-304 is amended to read:

3546 **72-1-304. Written project prioritization process for new transportation capacity**
3547 **projects -- Rulemaking.**

3548 (1) (a) The Transportation Commission, in consultation with the department and the
3549 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
3550 prioritization process for the prioritization of:

3551 (i) new transportation capacity projects that are or will be part of the state highway
3552 system under Chapter 4, Part 1, State Highways[~~, or~~];

3553 (ii) paved pedestrian or paved nonmotorized transportation projects that:

3554 (A) mitigate traffic congestion on the state highway system; and

3555 (B) are part of an active transportation plan approved by the department;

3556 (iii) public transit projects that add capacity to the public transit systems within the
3557 state[-]; and

3558 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
3559 public transit system.

3560 (b) (i) A local government or district may nominate a project for prioritization in
3561 accordance with the process established by the commission in rule.

3562 (ii) If a local government or district nominates a project for prioritization by the
3563 commission, the local government or district shall provide data and evidence to show that:

3564 (A) the project will advance the purposes and goals described in Section 72-1-211;

3565 (B) for a public transit project, the local government or district has an ongoing funding
3566 source for operations and maintenance of the proposed development; and

3567 (C) the local government or district will provide 40% of the ~~[funds]~~ costs for the
3568 project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(7)(e).

3569 (2) The following shall be included in the written prioritization process under
3570 Subsection (1):

3571 (a) a description of how the strategic initiatives of the department adopted under
3572 Section 72-1-211 are advanced by the written prioritization process;

3573 (b) a definition of the type of projects to which the written prioritization process
3574 applies;

3575 (c) specification of a weighted criteria system that is used to rank proposed projects
3576 and how it will be used to determine which projects will be prioritized;

3577 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

3578 (e) any other provisions the commission considers appropriate, which may include
3579 consideration of:

3580 (i) regional and statewide economic development impacts, including improved local
3581 access to:

3582 (A) employment;

3583 (B) recreation;

3584 (C) commerce; and

3585 (D) residential areas;

3586 (ii) the extent to which local land use plans relevant to a project support and
3587 accomplish the strategic initiatives adopted under Section 72-1-211; and

3588 (iii) any matching funds provided by a political subdivision or public transit district in
3589 addition to the 40% required by [~~Subsection 72-2-124(7)(c).~~] Subsections 72-2-124(4)(a)(viii)
3590 and 72-2-124(7)(e).

3591 (3) In developing the written prioritization process, the commission:

3592 (a) shall seek and consider public comment by holding public meetings at locations
3593 throughout the state; and

3594 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
3595 the state provides an equal opportunity to raise local matching dollars for state highway
3596 improvements within each county.

3597 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3598 Transportation Commission, in consultation with the department, shall make rules establishing
3599 the written prioritization process under Subsection (1).

3600 (5) The commission shall submit the proposed rules under this section to a committee
3601 or task force designated by the Legislative Management Committee for review prior to taking
3602 final action on the proposed rules or any proposed amendment to the rules described in
3603 Subsection (4).

3604 Section 40. Section 72-2-107 is amended to read:

3605 **72-2-107. Appropriation from Transportation Fund -- Apportionment for class B**
3606 **and class C roads.**

3607 (1) There is appropriated to the department from the Transportation Fund annually an
3608 amount equal to 30% of an amount which the director of finance shall compute in the
3609 following manner: The total revenue deposited into the Transportation Fund during the fiscal
3610 year from state highway-user taxes and fees, minus those amounts appropriated or transferred
3611 from the Transportation Fund during the same fiscal year to:

3612 (a) the Department of Public Safety;

3613 (b) the State Tax Commission;

3614 (c) the Division of Finance;
 3615 (d) the Utah Travel Council; [~~and~~]
 3616 (e) the road usage charge program created in Section [72-1-213.1](#); and
 3617 [~~(e)~~] (f) any other amounts appropriated or transferred for any other state agencies not a
 3618 part of the department.

3619 (2) (a) Except as provided in Subsection (2)(b), all of the money appropriated in
 3620 Subsection (1) shall be apportioned among counties and municipalities for class B and class C
 3621 roads as provided in this title.

3622 (b) The department shall annually transfer \$500,000 of the amount calculated under
 3623 Subsection (1) to the State Park Access Highways Improvement Program created in Section
 3624 [72-3-207](#).

3625 (3) Each quarter of every year the department shall make the necessary accounting
 3626 entries to transfer the money appropriated under this section for class B and class C roads.

3627 (4) The funds appropriated for class B and class C roads shall be expended under the
 3628 direction of the department as the Legislature shall provide.

3629 Section 41. Section [72-2-117.5](#) is amended to read:

3630 **[72-2-117.5. Definitions -- Local Highway and Transportation Corridor](#)**
 3631 **Preservation Fund -- Disposition of fund money.**

3632 (1) As used in this section:

3633 (a) "Council of governments" means a decision-making body in each county composed
 3634 of membership including the county governing body and the mayors of each municipality in the
 3635 county.

3636 (b) "Metropolitan planning organization" has the same meaning as defined in Section
 3637 [72-1-208.5](#).

3638 (2) There is created the Local Highway and Transportation Corridor Preservation Fund
 3639 within the Transportation Fund.

3640 (3) The fund shall be funded from the following sources:

3641 (a) a local option highway construction and transportation corridor preservation fee

3642 imposed under Section [41-1a-1222](#);

3643 (b) appropriations made to the fund by the Legislature;

3644 (c) contributions from other public and private sources for deposit into the fund;

3645 (d) all money collected from rents and sales of real property acquired with fund money;

3646 (e) proceeds from general obligation bonds, revenue bonds, or other obligations issued

3647 as authorized by Title 63B, Bonds; and

3648 [~~(f)~~ the portion of the sales and use tax described in Section [59-12-2217](#) deposited into

3649 the fund; and]

3650 [~~(g)~~ (f) sales and use tax revenues deposited into the fund in accordance with [Section

3651 [59-12-2218](#)] Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for

3652 Transportation Act.

3653 (4) (a) The fund shall earn interest.

3654 (b) All interest earned on fund money shall be deposited into the fund.

3655 (c) The State Tax Commission shall allocate the revenues:

3656 (i) provided under Subsection (3)(a) to each county imposing a local option highway

3657 construction and transportation corridor preservation fee under Section [41-1a-1222](#);

3658 (ii) provided under Subsection [59-12-2217](#)(2)[~~(b)~~] to each county imposing a county

3659 option sales and use tax for transportation; and

3660 (iii) provided under Subsection (3)[~~(g)~~](f) to each county of the second class or city or

3661 town within a county of the second class that imposes the sales and use tax authorized by

3662 Section [59-12-2218](#).

3663 (d) The department shall distribute the funds allocated to each county, city, or town

3664 under Subsection (4)(c) to each county, city, or town.

3665 (e) The money allocated and distributed under this Subsection (4):

3666 (i) shall be used for the purposes provided in this section for each county, city, or town;

3667 (ii) is allocated to each county, city, or town as provided in this section with the

3668 condition that the state will not be charged for any asset purchased with the money allocated

3669 and distributed under this Subsection (4), unless there is a written agreement in place with the

3670 department prior to the purchase of the asset stipulating a reimbursement by the state to the
3671 county, city, or town of no more than the original purchase price paid by the county, city, or
3672 town; and

3673 (iii) is considered a local matching contribution for the purposes described under
3674 Section 72-2-123 if used on a state highway.

3675 (f) Administrative costs of the department to implement this section shall be paid from
3676 the fund.

3677 (5) (a) A highway authority may acquire real property or any interests in real property
3678 for state, county, and municipal highway or public transit corridors subject to:

3679 (i) money available in the fund to each county under Subsection (4); and

3680 (ii) the provisions of this section.

3681 (b) Fund money may be used to pay interest on debts incurred in accordance with this
3682 section.

3683 (c) (i) (A) Fund money may be used to pay maintenance costs of properties acquired
3684 under this section but limited to a total of 5% of the purchase price of the property.

3685 (B) Any additional maintenance cost shall be paid from funds other than under this
3686 section.

3687 (C) Revenue generated by any property acquired under this section is excluded from
3688 the limitations under this Subsection (5)(c)(i).

3689 (ii) Fund money may be used to pay direct costs of acquisition of properties acquired
3690 under this section.

3691 (d) Fund money allocated and distributed under Subsection (4) may be used by a
3692 county highway authority for countywide transportation or public transit planning if:

3693 (i) the county's planning focus area is outside the boundaries of a metropolitan
3694 planning organization;

3695 (ii) the transportation planning is part of the county's continuing, cooperative, and
3696 comprehensive process for transportation or public transit planning, corridor preservation,
3697 right-of-way acquisition, and project programming;

3698 (iii) no more than four years allocation every 20 years to each county is used for
3699 transportation planning under this Subsection (5)(d); and

3700 (iv) the county otherwise qualifies to use the fund money as provided under this
3701 section.

3702 (e) (i) Subject to Subsection (11), fund money allocated and distributed under
3703 Subsection (4) may be used by a county highway authority for transportation or public transit
3704 corridor planning that is part of the corridor elements of an ongoing work program of
3705 transportation or public transit projects.

3706 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the
3707 direction of:

3708 (A) the metropolitan planning organization if the county is within the boundaries of a
3709 metropolitan planning organization; or

3710 (B) the department if the county is not within the boundaries of a metropolitan
3711 planning organization.

3712 (f) (i) A county, city, or town that imposes a local option highway construction and
3713 transportation corridor preservation fee under Section [41-1a-1222](#) may elect to administer the
3714 funds allocated and distributed to that county, city, or town under Subsection (4) as a revolving
3715 loan fund.

3716 (ii) If a county, city, or town elects to administer the funds allocated and distributed to
3717 that county, city, or town under Subsection (4) as a revolving loan fund, a local highway
3718 authority shall repay the fund money authorized for the project to the fund.

3719 (iii) A county, city, or town that elects to administer the funds allocated and distributed
3720 to that county, city, or town under Subsection (4) as a revolving loan fund shall establish
3721 repayment conditions of the money to the fund from the specified project funds.

3722 (g) (i) Subject to the restrictions in Subsections (5)(g)(ii) and (iii), fund money may be
3723 used by a county of the third, fourth, fifth, or sixth class or by a city or town within a county of
3724 the third, fourth, fifth, or sixth class for:

3725 (A) the construction, operation, or maintenance of a class B road or class C road; or

3726 (B) the restoration or repair of survey monuments associated with transportation
3727 infrastructure.

3728 (ii) A county, city, or town may not use more than 50% of the current balance of fund
3729 money allocated to the county, city, or town for the purposes described in Subsection (5)(g)(i).

3730 (iii) A county, city, or town may not use more than 50% of the fund revenue collections
3731 allocated to a county, city, or town in the current fiscal year for the purposes described in
3732 Subsection (5)(g)(i).

3733 (6) (a) (i) The Local Highway and Transportation Corridor Preservation Fund shall be
3734 used to preserve highway and public transit corridors, promote long-term statewide
3735 transportation planning, save on acquisition costs, and promote the best interests of the state in
3736 a manner which minimizes impact on prime agricultural land.

3737 (ii) The Local Highway and Transportation Corridor Preservation Fund shall only be
3738 used to preserve a highway or public transit corridor that is right-of-way:

3739 (A) in a county of the first or second class for:

3740 (I) a state highway;

3741 (II) a principal arterial highway as defined in Section 72-4-102.5;

3742 (III) a minor arterial highway as defined in Section 72-4-102.5;

3743 (IV) a collector highway in an urban area as defined in Section 72-4-102.5; or

3744 (V) a transit facility as defined in Section 17B-2a-802; or

3745 (B) in a county of the third, fourth, fifth, or sixth class for:

3746 (I) a state highway;

3747 (II) a principal arterial highway as defined in Section 72-4-102.5;

3748 (III) a minor arterial highway as defined in Section 72-4-102.5;

3749 (IV) a major collector highway as defined in Section 72-4-102.5;

3750 (V) a minor collector road as defined in Section 72-4-102.5; or

3751 (VI) a transit facility as defined in Section 17B-2a-802.

3752 (iii) The Local Highway and Transportation Corridor Preservation Fund may not be
3753 used for a highway corridor that is primarily a recreational trail as defined under Section

3754 79-5-102.

3755 (b) A highway authority shall authorize the expenditure of fund money after
3756 determining that the expenditure is being made in accordance with this section from
3757 applications that are:

3758 (i) endorsed by the council of governments; and

3759 (ii) for a right-of-way purchase for a highway or public transit corridor authorized
3760 under Subsection (6)(a)(ii).

3761 (7) (a) (i) A council of governments shall establish a council of governments
3762 endorsement process which includes prioritization and application procedures for use of the
3763 money allocated to each county under this section.

3764 (ii) The endorsement process under Subsection (7)(a)(i) may include review or
3765 endorsement of the preservation project by:

3766 (A) the metropolitan planning organization if the county is within the boundaries of a
3767 metropolitan planning organization; or

3768 (B) the department if the county is not within the boundaries of a metropolitan
3769 planning organization.

3770 (b) All fund money shall be prioritized by each highway authority and council of
3771 governments based on considerations, including:

3772 (i) areas with rapidly expanding population;

3773 (ii) the willingness of local governments to complete studies and impact statements
3774 that meet department standards;

3775 (iii) the preservation of corridors by the use of local planning and zoning processes;

3776 (iv) the availability of other public and private matching funds for a project;

3777 (v) the cost-effectiveness of the preservation projects;

3778 (vi) long and short-term maintenance costs for property acquired; and

3779 (vii) whether the transportation or public transit corridor is included as part of:

3780 (A) the county and municipal master plan; and

3781 (B) (I) the statewide long range plan; or

3782 (II) the regional transportation plan of the area metropolitan planning organization if
3783 one exists for the area.

3784 (c) The council of governments shall:

3785 (i) establish a priority list of highway and public transit corridor preservation projects
3786 within the county;

3787 (ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for
3788 approval; and

3789 (iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the
3790 members of the county legislative body.

3791 (d) A county's council of governments may only submit one priority list described in
3792 Subsection (7)(c)(i) per calendar year.

3793 (e) A county legislative body may only consider and approve one priority list described
3794 in Subsection (7)(c)(i) per calendar year.

3795 (8) (a) Unless otherwise provided by written agreement with another highway authority
3796 or public transit district, the highway authority that holds the deed to the property is responsible
3797 for maintenance of the property.

3798 (b) The transfer of ownership for property acquired under this section from one
3799 highway authority to another shall include a recorded deed for the property and a written
3800 agreement between the highway authorities or public transit district.

3801 (9) (a) The proceeds from any bonds or other obligations secured by revenues of the
3802 Local Highway and Transportation Corridor Preservation Fund shall be used for the purposes
3803 authorized for funds under this section.

3804 (b) The highway authority shall pledge the necessary part of the revenues of the Local
3805 Highway and Transportation Corridor Preservation Fund to the payment of principal and
3806 interest on the bonds or other obligations.

3807 (10) (a) A highway authority may not expend money under this section to purchase a
3808 right-of-way for a state highway unless the highway authority has:

3809 (i) a transportation corridor property acquisition policy or ordinance in effect that

3810 meets department requirements for the acquisition of real property or any interests in real
3811 property under this section; and

3812 (ii) an access management policy or ordinance in effect that meets the requirements
3813 under Subsection [72-2-117](#)(8).

3814 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a
3815 written agreement with the department for the department to acquire real property or any
3816 interests in real property on behalf of the local highway authority under this section.

3817 (11) The county shall ensure, to the extent possible, that the fund money allocated and
3818 distributed to a city or town in accordance with Subsection (4) is expended:

3819 (a) to fund a project or service as allowed by this section within the city or town to
3820 which the fund money is allocated;

3821 (b) to pay debt service, principal, or interest on a bond or other obligation as allowed
3822 by this section if that bond or other obligation is:

3823 (i) secured by money allocated to the city or town; and

3824 (ii) issued to finance a project or service as allowed by this section within the city or
3825 town to which the fund money is allocated;

3826 (c) to fund transportation planning as allowed by this section within the city or town to
3827 which the fund money is allocated; or

3828 (d) for another purpose allowed by this section within the city or town to which the
3829 fund money is allocated.

3830 (12) Notwithstanding any other provision in this section, any amounts within the fund
3831 allocated to a public transit district or for a public transit corridor may only be derived from the
3832 portion of the fund that does not include constitutionally restricted sources related to the
3833 operation of a motor vehicle on a public highway or proceeds from an excise tax on liquid
3834 motor fuel to propel a motor vehicle.

3835 Section 42. Section **72-2-121** is amended to read:

3836 **72-2-121. County of the First Class Highway Projects Fund.**

3837 (1) There is created a special revenue fund within the Transportation Fund known as

3838 the "County of the First Class Highway Projects Fund."

3839 (2) The fund consists of money generated from the following revenue sources:

3840 (a) any voluntary contributions received for new construction, major renovations, and
3841 improvements to highways within a county of the first class;

3842 (b) the portion of the sales and use tax described in Subsection 59-12-2214(3)(b)
3843 deposited in or transferred to the fund;

3844 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited in or
3845 transferred to the fund; and

3846 (d) a portion of the local option highway construction and transportation corridor
3847 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited in or
3848 transferred to the fund.

3849 (3) (a) The fund shall earn interest.

3850 (b) All interest earned on fund money shall be deposited into the fund.

3851 (4) The executive director shall use the fund money only:

3852 (a) to pay debt service and bond issuance costs for bonds issued under Sections
3853 63B-16-102, 63B-18-402, and 63B-27-102;

3854 (b) for right-of-way acquisition, new construction, major renovations, and
3855 improvements to highways within a county of the first class and to pay any debt service and
3856 bond issuance costs related to those projects, including improvements to a highway located
3857 within a municipality in a county of the first class where the municipality is located within the
3858 boundaries of more than a single county;

3859 (c) for the construction, acquisition, use, maintenance, or operation of:

3860 (i) an active transportation facility for nonmotorized vehicles;

3861 (ii) multimodal transportation that connects an origin with a destination; or

3862 (iii) a facility that may include a:

3863 (A) pedestrian or nonmotorized vehicle trail;

3864 (B) nonmotorized vehicle storage facility;

3865 (C) pedestrian or vehicle bridge; or

- 3866 (D) vehicle parking lot or parking structure;
- 3867 (d) for fiscal year 2012-13 only, to pay for or to provide funds to a municipality or
- 3868 county to pay for a portion of right-of-way acquisition, construction, reconstruction,
- 3869 renovations, and improvements to highways described in Subsections 72-2-121.4(7), (8), and
- 3870 (9);
- 3871 (e) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
- 3872 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
- 3873 transferred in accordance with Subsection 72-2-124(4)(a)(iv);
- 3874 (f) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
- 3875 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
- 3876 described in Subsection 63B-18-401(4)(a);
- 3877 (g) for a fiscal year beginning on or after July 1, 2013, and after the department has
- 3878 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
- 3879 transfer an amount equal to 50% of the revenue generated by the local option highway
- 3880 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
- 3881 a county of the first class:
 - 3882 (i) to the legislative body of a county of the first class; and
 - 3883 (ii) to be used by a county of the first class for:
 - 3884 (A) highway construction, reconstruction, or maintenance projects; or
 - 3885 (B) the enforcement of state motor vehicle and traffic laws;
- 3886 (h) for fiscal year 2015 only, and after the department has verified that the amount
- 3887 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
- 3888 Subsection (4)(f) has been made, to transfer an amount equal to the remainder of the revenue
- 3889 available in the fund for the 2015 fiscal year:
 - 3890 (i) to the legislative body of a county of the first class; and
 - 3891 (ii) to be used by a county of the first class for:
 - 3892 (A) highway construction, reconstruction, or maintenance projects; or
 - 3893 (B) the enforcement of state motor vehicle and traffic laws;

3894 (i) for fiscal year 2015-16 only, and after the department has verified that the amount
3895 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
3896 Subsection (4)(f) has been made, to transfer an amount equal to \$25,000,000:

3897 (i) to the legislative body of a county of the first class; and

3898 (ii) to be used by the county for the purposes described in this section;

3899 (j) for a fiscal year beginning on or after July 1, 2015, after the department has verified
3900 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
3901 transfer under Subsection (4)(f) has been made, to annually transfer an amount equal to up to
3902 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
3903 the fund in accordance with Subsection 59-12-2214(3)(b) to:

3904 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
3905 Section 63B-27-102; and

3906 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
3907 deposited into the Transportation Fund;

3908 (k) for a fiscal year beginning on or after July 1, 2018, after the department has verified
3909 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
3910 the transfer under Subsection (4)(e), the payment under Subsection (4)(f), and the transfers
3911 under Subsections (4)(j)(i) and (ii) have been made, to annually transfer 20% of the amount
3912 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
3913 first class to fund a system for public transit;

3914 (l) for a fiscal year beginning on or after July 1, 2018, after the department has verified
3915 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
3916 the transfer under Subsection (4)(e), the payment under Subsection (4)(f), and the transfers
3917 under Subsections (4)(j)(i) and (ii) have been made, to annually transfer 20% of the amount
3918 deposited into the fund under Subsection (2)(b):

3919 (i) to the legislative body of a county of the first class; and

3920 (ii) to fund parking facilities in a county of the first class that facilitate significant
3921 economic development and recreation and tourism within the state; and

3922 (m) for a fiscal year beginning after the amount described in Subsection (4)(j) has been
3923 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
3924 Subsection (4)(j)(ii) has been repaid, after the department has verified that the amount required
3925 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
3926 (4)(f) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
3927 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a
3928 county of the first class and deposited into the fund in accordance with Subsection

3929 59-12-2214(3)(b):

3930 (i) to the legislative body of a county of the first class; and

3931 (ii) to be used by the county for the purposes described in this section.

3932 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
3933 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
3934 63B-27-102 are considered a local matching contribution for the purposes described under
3935 Section 72-2-123.

3936 (6) The additional administrative costs of the department to administer this fund shall
3937 be paid from money in the fund.

3938 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
3939 revenue sources deposited into this fund, the Department of Transportation may use the money
3940 in this fund for any of the purposes detailed in Subsection (4).

3941 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
3942 year, after all programmed payments and transfers authorized or required under this section
3943 have been made, on July 30 the department shall transfer the remainder of the money in the
3944 fund to the Transportation Fund to reduce the amount owed to the Transportation Fund under
3945 Subsection (4)(j)(ii).

3946 (b) The department shall provide notice to a county of the first class of the amount
3947 transferred in accordance with this Subsection (8).

3948 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under this
3949 section is subject to the review process described in this Subsection (9).

3950 (b) A county of the first class shall create a county transportation advisory committee
3951 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public
3952 transit projects and rank projects for allocation of funds.

3953 (c) The county transportation advisory committee described in Subsection (9)(b) shall
3954 be composed of the following 13 members:

3955 (i) six members who are residents of the county, nominated by the county executive
3956 and confirmed by the county legislative body who are:

3957 (A) members of a local advisory [~~board~~] council of a large public transit district as
3958 defined in Section [17B-2a-802](#);

3959 (B) county council members; or

3960 (C) other residents with expertise in transportation planning and funding; and

3961 (ii) seven members nominated by the county executive, and confirmed by the county
3962 legislative body, chosen from mayors or managers of cities or towns within the county.

3963 (d) (i) A majority of the members of the county transportation advisory committee
3964 constitutes a quorum.

3965 (ii) The action by a quorum of the county transportation advisory committee constitutes
3966 an action by the county transportation advisory committee.

3967 (e) The county body shall determine:

3968 (i) the length of a term of a member of the county transportation advisory committee;

3969 (ii) procedures and requirements for removing a member of the county transportation
3970 advisory committee;

3971 (iii) voting requirements of the county transportation advisory committee;

3972 (iv) chairs or other officers of the county transportation advisory committee;

3973 (v) how meetings are to be called and the frequency of meetings, but not less than once
3974 annually; and

3975 (vi) the compensation, if any, of members of the county transportation advisory
3976 committee.

3977 (f) The county shall establish by ordinance criteria for prioritization and ranking of

3978 projects, which may include consideration of regional and countywide economic development
3979 impacts, including improved local access to:

- 3980 (i) employment;
- 3981 (ii) recreation;
- 3982 (iii) commerce; and
- 3983 (iv) residential areas.

3984 (g) The county transportation advisory committee shall evaluate and rank each
3985 proposed public transit project and regionally significant transportation facility according to
3986 criteria developed pursuant to Subsection (9)(f).

3987 (h) (i) After the review and ranking of each project as described in this section, the
3988 county transportation advisory committee shall provide a report and recommend the ranked list
3989 of projects to the county legislative body and county executive.

3990 (ii) After review of the recommended list of projects, as part of the county budgetary
3991 process, the county executive shall review the list of projects and may include in the proposed
3992 budget the proposed projects for allocation, as funds are available.

3993 (i) The county executive of the county of the first class, with information provided by
3994 the county and relevant state entities, shall provide a report annually to the county
3995 transportation advisory committee, and to the mayor or manager of each city, town, or metro
3996 township in the county, including the following:

- 3997 (i) the amount of revenue received into the fund during the past year;
- 3998 (ii) any funds available for allocation;
- 3999 (iii) funds obligated for debt service; and
- 4000 (iv) the outstanding balance of transportation-related debt.

4001 Section 43. Section **72-2-121.1** is amended to read:

4002 **72-2-121.1. Highway Projects Within Counties Fund -- Accounting for revenues**
4003 **-- Interest -- Expenditure of revenues.**

4004 (1) There is created a special revenue fund within the Transportation Fund known as
4005 the "Highway Projects Within Counties Fund."

4006 (2) The Highway Projects Within Counties Fund shall be funded by revenues generated
4007 by a tax imposed by a county under Section 59-12-2216, if those revenues are allocated:

4008 (a) for a ~~[purpose described in Subsection 59-12-2216(2)(c)]~~ state highway within the
4009 county; and

4010 (b) in accordance with Section 59-12-2216.

4011 (3) The department shall make a separate accounting for:

4012 (a) the revenues described in Subsection (2); and

4013 (b) each county for which revenues are deposited into the Highway Projects Within
4014 Counties Fund.

4015 (4) (a) The Highway Projects Within Counties Fund shall earn interest.

4016 (b) The department shall allocate the interest earned on the Highway Projects Within
4017 Counties Fund:

4018 (i) proportionately;

4019 (ii) to each county's balance in the Highway Projects Within Counties Fund; and

4020 (iii) on the basis of each county's balance in the Highway Projects Within Counties
4021 Fund.

4022 (5) The department shall expend the revenues and interest deposited into the Highway
4023 Projects Within Counties Fund to pay:

4024 (a) for a state highway project within the county ~~[: (i) described in Subsection~~
4025 ~~59-12-2216(2)(c)(i); and (ii)]~~ for which the requirements of Subsection 59-12-2216(6) are met;

4026 (b) debt service on a project described in Subsection (5)(a); or

4027 (c) bond issuance costs related to a project described in Subsection (5)(a).

4028 Section 44. Section 72-2-121.2 is amended to read:

4029 **72-2-121.2. Definition -- County of the Second Class State Highway Projects**
4030 **Fund -- Use of fund money.**

4031 (1) As used in this section, "fund" means the County of the Second Class State
4032 Highway Projects Fund created by this section.

4033 (2) There is created within the Transportation Fund a special revenue fund known as

4034 the County of the Second Class State Highway Projects Fund.

4035 (3) The fund shall be funded by money collected from:

4036 (a) any voluntary contributions the department receives for new construction, major
4037 renovations, and improvements to state highways within a county of the second class; and

4038 (b) sales and use taxes deposited into the fund in accordance with [~~Section~~
4039 59-12-2218] Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for
4040 Transportation Act.

4041 (4) The department shall make a separate accounting for:

4042 (a) the revenues described in Subsection (3); and

4043 (b) each county of the second class or city or town within a county of the second class
4044 for which revenues are deposited into the fund.

4045 (5) (a) The fund shall earn interest.

4046 (b) Interest earned on fund money shall be deposited into the fund.

4047 (6) Subject to Subsection (9), the executive director may use fund money only:

4048 (a) for right-of-way acquisition, new construction, major renovations, and
4049 improvements to state highways within a county of the second class or a city or town within a
4050 county of the second class in an amount that does not exceed the amounts deposited for or
4051 allocated to that county of the second class or city or town within a county of the second class
4052 in accordance with this section;

4053 (b) to pay any debt service and bond issuance costs related to a purpose described in
4054 Subsection (6)(a) in an amount that does not exceed the amounts deposited for or allocated to
4055 that county of the second class or city or town within a county of the second class described in
4056 Subsection (6)(a) in accordance with this section; and

4057 (c) to pay the costs of the department to administer the fund in an amount not to exceed
4058 interest earned by the fund money.

4059 (7) If interest remains in the fund after the executive director pays the costs of the
4060 department to administer the fund, the interest shall be:

4061 (a) allocated to each county of the second class or city or town within a county of the

4062 second class for which revenues are deposited into the fund in proportion to the deposits made
4063 into the fund for that county of the second class or city or town within a county of the second
4064 class; and

4065 (b) expended for the purposes described in Subsection (6).

4066 (8) Revenues described in Subsection (3)(b) that are deposited into the fund are
4067 considered to be a local matching contribution for the purposes described in Section 72-2-123.

4068 (9) (a) The executive director shall, in using fund money, ensure to the extent possible
4069 that the fund money deposited for or allocated to a city or town is used:

4070 (i) for a purpose described in Subsection (6)(a) within the city or town to which the
4071 fund money is allocated;

4072 (ii) to pay debt service and bond issuance costs described in Subsection (6)(b) if the
4073 debt service and bond issuance costs are:

4074 (A) secured by money deposited for or allocated to the city or town; and

4075 (B) related to a project described in Subsection (6)(a) within the city or town to which
4076 the fund money is allocated; or

4077 (iii) for a purpose described in Subsection (6)(c).

4078 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4079 department may make rules to implement the requirements of Subsection (9)(a).

4080 Section 45. Section 72-2-124 is amended to read:

4081 **72-2-124. Transportation Investment Fund of 2005.**

4082 (1) There is created a capital projects fund entitled the Transportation Investment Fund
4083 of 2005.

4084 (2) The fund consists of money generated from the following sources:

4085 (a) any voluntary contributions received for the maintenance, construction,
4086 reconstruction, or renovation of state and federal highways;

4087 (b) appropriations made to the fund by the Legislature;

4088 (c) registration fees designated under Section 41-1a-1201;

4089 (d) the sales and use tax revenues deposited into the fund in accordance with Section

4090 59-12-103; and

4091 (e) revenues transferred to the fund in accordance with Section 72-2-106.

4092 (3) (a) The fund shall earn interest.

4093 (b) All interest earned on fund money shall be deposited into the fund.

4094 (4) (a) Except as provided in Subsection (4)(b), the executive director may use fund

4095 money only to pay:

4096 (i) the costs of maintenance, construction, reconstruction, or renovation to state and

4097 federal highways prioritized by the Transportation Commission through the prioritization

4098 process for new transportation capacity projects adopted under Section 72-1-304;

4099 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway

4100 projects described in Subsections 63B-18-401(2), (3), and (4);

4101 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401

4102 minus the costs paid from the County of the First Class Highway Projects Fund in accordance

4103 with Subsection 72-2-121(4)(f);

4104 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt

4105 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified

4106 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the

4107 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

4108 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101

4109 for projects prioritized in accordance with Section 72-2-125;

4110 (vi) all highway general obligation bonds that are intended to be paid from revenues in

4111 the Centennial Highway Fund created by Section 72-2-118; ~~and~~

4112 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First

4113 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described

4114 in Section 72-2-121[-]; and

4115 (viii) if a political subdivision provides a contribution equal to or greater than 40% of

4116 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved

4117 nonmotorized transportation for projects that:

- 4118 (A) mitigate traffic congestion on the state highway system;
4119 (B) are part of an active transportation plan approved by the department; and
4120 (C) are prioritized by the commission through the prioritization process for new
4121 transportation capacity projects adopted under Section 72-1-304.
- 4122 (b) The executive director may use fund money to exchange for an equal or greater
4123 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 4124 (5) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
4125 in any fiscal year, the department and the commission shall appear before the Executive
4126 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
4127 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
4128 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.
- 4129 (b) The Executive Appropriations Committee of the Legislature shall review and
4130 comment on the amount of bond proceeds needed to fund the projects.
- 4131 (6) The Division of Finance shall, from money deposited into the fund, transfer the
4132 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
4133 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
4134 sinking fund.
- 4135 (7) (a) There is created in the Transportation Investment Fund of 2005 the Transit
4136 Transportation Investment Fund.
- 4137 (b) The fund shall be funded by:
- 4138 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 4139 (ii) appropriations into the account by the Legislature;
- 4140 (iii) private contributions; and
- 4141 (iv) donations or grants from public or private entities.
- 4142 (c) (i) The fund shall earn interest.
- 4143 (ii) All interest earned on fund money shall be deposited into the fund.
- 4144 (d) Subject to Subsection (7)(e), the Legislature may appropriate money from the fund
4145 for public transit capital development of new capacity projects to be used as prioritized by the

4146 commission.

4147 (e) (i) The Legislature may only appropriate money from the fund for a public transit
4148 capital development project or pedestrian or nonmotorized transportation project that provides
4149 connection to the public transit system if the public transit district or political subdivision
4150 provides funds of equal to or greater than 40% of the [~~funds~~] costs needed for the project.

4151 (ii) A public transit district or political subdivision may use money derived from a loan
4152 granted pursuant to Title 72, Chapter 2, Part 2, [~~Transportation Infrastructure Loan~~] State
4153 Infrastructure Bank Fund, to provide all or part of the 40% requirement described in Subsection
4154 (7)(e)(i) if:

4155 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
4156 [~~Transportation Infrastructure Loan~~] State Infrastructure Bank Fund; and

4157 (B) the proposed capital project has been prioritized by the commission pursuant to
4158 Section [72-1-303](#).

4159 Section 46. Section **72-2-201** is amended to read:

4160 **72-2-201. Definitions.**

4161 As used in this part:

4162 (1) "Fund" means the [~~Transportation Infrastructure Loan~~] State Infrastructure Bank
4163 Fund created under Section [72-2-202](#).

4164 (2) "Infrastructure assistance" means any use of fund money, except an infrastructure
4165 loan, to provide financial assistance for transportation projects, including:

4166 (a) capital reserves and other security for bond or debt instrument financing; or

4167 (b) any letters of credit, lines of credit, bond insurance, or loan guarantees obtained by
4168 a public entity to finance transportation projects.

4169 (3) "Infrastructure loan" means a loan of fund money to finance a transportation
4170 project.

4171 (4) "Public entity" means a state agency, county, municipality, local district, special
4172 service district, an intergovernmental entity organized under state law, or the military
4173 installation development authority created in Section [63H-1-201](#).

- 4174 (5) "Transportation project":
 4175 (a) means a project;
 4176 (i) to improve a state or local highway; [~~and~~]
 4177 (ii) to improve a public transportation facility or nonmotorized transportation facility;
 4178 (iii) to improve parking facilities that support an intermodal regional transportation
 4179 purpose; or
 4180 (iv) that is subject to a transportation reinvestment zone agreement pursuant to Section
 4181 [11-13-227](#) if the state is party to the agreement;
 4182 (b) includes the costs of acquisition, construction, reconstruction, rehabilitation,
 4183 equipping, and fixturing[-]; and
 4184 (c) may only include a project if the project is part of:
 4185 (i) the statewide long range plan;
 4186 (ii) a regional transportation plan of the area metropolitan planning organization if a
 4187 metropolitan planning organization exists for the area; or
 4188 (iii) a local government general plan.
- 4189 Section 47. Section **72-2-202** is amended to read:
 4190 **72-2-202. State Infrastructure Bank Fund -- Creation -- Use of money.**
 4191 (1) There is created a revolving loan fund entitled the [~~Transportation Infrastructure~~
 4192 ~~Loan~~] State Infrastructure Bank Fund.
 4193 (2) (a) The fund consists of money generated from the following revenue sources:
 4194 [~~(a)~~] (i) appropriations made to the fund by the Legislature;
 4195 [~~(b)~~] (ii) federal money and grants that are deposited in the fund;
 4196 [~~(c)~~] (iii) money transferred to the fund by the commission from other money available
 4197 to the department;
 4198 [~~(d)~~] (iv) state grants that are deposited in the fund;
 4199 [~~(e)~~] (v) contributions or grants from any other private or public sources for deposit
 4200 into the fund; and
 4201 [~~(f)~~] (vi) subject to Subsection (2)(b), all money collected from repayments of fund

4202 money used for infrastructure loans or infrastructure assistance.

4203 (b) When a loan from the fund is repaid, the department may request and the
4204 Legislature may transfer from the fund to the source from which the money originated an
4205 amount equal to the repaid loan.

4206 (3) (a) The fund shall earn interest.

4207 (b) All interest earned on fund money shall be deposited into the fund.

4208 (4) Money in the fund shall be used by the department, as prioritized by the
4209 commission, only to:

4210 (a) provide infrastructure loans or infrastructure assistance; and

4211 (b) pay the department for the costs of administering the fund, providing infrastructure
4212 loans or infrastructure assistance, monitoring transportation projects, and obtaining repayments
4213 of infrastructure loans or infrastructure assistance.

4214 (5) (a) The department may establish separate accounts in the fund for infrastructure
4215 loans, infrastructure assistance, administrative and operating expenses, or any other purpose to
4216 implement this part.

4217 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4218 department may make rules governing how the fund and its accounts may be held by an escrow
4219 agent.

4220 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter
4221 7, State Money Management Act, and the earnings from the investments shall be credited to the
4222 fund.

4223 Section 48. Section **72-2-203** is amended to read:

4224 **72-2-203. Loans and assistance -- Authority -- Rulemaking.**

4225 (1) Money in the fund may be used by the department, as prioritized by the commission
4226 or as directed by the Legislature, to make infrastructure loans or to provide infrastructure
4227 assistance to any public entity for any purpose consistent with any applicable constitutional
4228 limitation.

4229 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

4230 commission shall make rules providing procedures and standards for making infrastructure
4231 loans and providing infrastructure assistance[?] and a process for prioritization of requests for
4232 loans and assistance.

4233 (3) The prioritization process, procedures, and standards for making an infrastructure
4234 loan or providing infrastructure assistance may include consideration of the following:

4235 (a) availability of money in the fund;

4236 (b) credit worthiness of the project;

4237 (c) demonstration that the project will encourage, enhance, or create economic benefits
4238 to the state;

4239 (d) likelihood that assistance would enable the project to proceed at an earlier date than
4240 would otherwise be possible;

4241 (e) the extent to which assistance would foster innovative public-private partnerships
4242 and attract private debt or equity investment;

4243 (f) demonstration that the project provides a benefit to the state highway system,
4244 including safety or mobility improvements;

4245 (g) the amount of proposed assistance as a percentage of the overall project costs with
4246 emphasis on local and private participation;

4247 (h) demonstration that the project provides intermodal connectivity with public
4248 transportation, pedestrian, or nonmotorized transportation facilities; and

4249 (i) other provisions the commission considers appropriate.

4250 Section 49. Section **72-2-204** is amended to read:

4251 **72-2-204. Loan program procedures -- Repayment.**

4252 (1) A public entity may obtain an infrastructure loan from the department, upon
4253 approval by the commission, by entering into a loan contract with the department secured by
4254 legally issued bonds, notes, or other evidence of indebtedness validly issued under state law,
4255 including pledging all or any portion of a revenue source controlled by the public entity to the
4256 repayment of the loan.

4257 (2) A loan or assistance from the fund shall bear interest at or above bond market

4258 interest rates available to the state.

4259 (3) A loan shall be repaid no later than 10 years from the date the department issues the
4260 loan to the borrower, with repayment commencing no later than:

4261 (a) when the project is completed; or

4262 (b) in the case of a highway project, when the facility has opened to traffic.

4263 ~~[(2)]~~ (4) The public entity shall repay the infrastructure loan in accordance with the
4264 loan contract from any of the following sources:

4265 (a) transportation project revenues, including special assessment revenues;

4266 (b) general funds of the public entity;

4267 (c) money withheld under Subsection ~~[(5)]~~ (7); or

4268 (d) any other legally available revenues.

4269 ~~[(3)]~~ (5) An infrastructure loan contract with a public entity may provide that a portion
4270 of the proceeds of the loan may be applied to fund a reserve fund to secure the repayment of the
4271 loan.

4272 ~~[(4)]~~ (6) Before obtaining an infrastructure loan, a county or municipality shall:

4273 (a) publish its intention to obtain an infrastructure loan at least once in accordance with
4274 the publication of notice requirements under Section 11-14-316; and

4275 (b) adopt an ordinance or resolution authorizing the infrastructure loan.

4276 ~~[(5)]~~ (7) (a) If a public entity fails to comply with the terms of its infrastructure loan
4277 contract, the department may seek any legal or equitable remedy to obtain compliance or
4278 payment of damages.

4279 (b) If a public entity fails to make infrastructure loan payments when due, the state
4280 shall, at the request of the department, withhold an amount of money due to the public entity
4281 and deposit the withheld money in the fund to pay the amounts due under the contract.

4282 (c) The department may elect when to request the withholding of money under this
4283 Subsection ~~[(5)]~~ (7).

4284 ~~[(6)]~~ (8) All loan contracts, bonds, notes, or other evidence of indebtedness securing
4285 the loan contracts shall be held, collected, and accounted for in accordance with Section

4286 63B-1b-202.

4287 Section 50. Section 72-5-111 is amended to read:

4288 **72-5-111. Disposal of real property.**

4289 (1) (a) If the department determines that any real property or interest in real property,
4290 acquired for a highway purpose, is no longer necessary for the purpose, the department may
4291 lease, sell, exchange, or otherwise dispose of the real property or interest in the real property.

4292 (b) (i) Real property may be sold at private or public sale.

4293 (ii) Except as provided in Subsection (1)(c) related to exchanges and Subsection (1)(d)
4294 related to the proceeds of any sale of real property from a maintenance facility, proceeds of any
4295 sale shall be deposited with the state treasurer and credited to the Transportation Fund.

4296 (c) (i) [Hf] Except as provided in Subsection (1)(c)(ii), if approved by the commission,
4297 real property or an interest in real property may be exchanged by the department for other real
4298 property or interest in real property, including improvements, for highway purposes.

4299 (ii) The department may exchange an interest in real property for another interest in
4300 real property for a project that is part of a statewide transportation improvement program
4301 approved by the commission.

4302 (d) Proceeds from the sale of real property or an interest in real property from a
4303 maintenance facility may be used by the department for the purchase or improvement of
4304 another maintenance facility, including real property.

4305 (2) (a) In the disposition of real property at any private sale, first consideration shall be
4306 given to the original grantor.

4307 (b) Notwithstanding the provisions of Section 78B-6-521, if no portion of a parcel of
4308 real property acquired by the department is used for transportation purposes, then the original
4309 grantor shall be given the opportunity to repurchase the parcel of real property at the
4310 department's original purchase price from the grantor.

4311 (c) In accordance with Section 72-5-404, this Subsection (2) does not apply to property
4312 rights acquired in proposed transportation corridors using funds from the Marda Dillree
4313 Corridor Preservation Fund created in Section 72-2-117.

4314 (d) (i) The right of first consideration described in Subsection (2)(a) is subject to the
4315 same terms and may be assigned by the original grantor in the manner described in Subsection
4316 78B-6-521(2).

4317 (ii) The original grantor or the assignee shall notify the department of an assignment by
4318 certified mail to the current office address of the executive director of the department.

4319 (iii) An exchange of real property as provided in Subsection (1)(c) or Section 72-5-113
4320 does not entitle the original grantor to exercise the right of first consideration described in
4321 Subsection (2)(a).

4322 (iv) The right of first consideration described in Subsection (2)(a) terminates upon an
4323 exchange of the acquired real property as provided in Subsection (1)(c) or Section 72-5-113.

4324 (3) (a) Any sale, exchange, or disposal of real property or interest in real property made
4325 by the department under this section, is exempt from the mineral reservation provisions of Title
4326 65A, Chapter 6, Mineral Leases.

4327 (b) Any deed made and delivered by the department under this section without specific
4328 reservations in the deed is a conveyance of all the state's right, title, and interest in the real
4329 property or interest in the real property.

4330 Section 51. Section 72-6-403 is amended to read:

4331 **72-6-403. Highway sponsorship program -- Sponsorship advertisement**
4332 **restrictions -- Rulemaking.**

4333 (1) The department may establish a sponsorship program to allow for private
4334 sponsorship of the following department operational activities or other highway-related
4335 services or programs:

4336 (a) traveler information; ~~and~~

4337 (b) rest areas[:]; and

4338 (c) courtesy patrol services.

4339 (2) All revenue generated from a sponsorship authorized by this section shall be
4340 deposited into the Transportation Fund created by Section 72-2-102 to be used to:

4341 (a) offset costs associated with providing the service being sponsored; and

4342 (b) support costs associated with operation and maintenance of the state highway
4343 system.

4344 (3) (a) The department shall adopt a policy on sponsorship agreements that is
4345 applicable to all department operational activities or other highway-related services within the
4346 state described in Subsection (1).

4347 (b) The policy described in Subsection (3)(a) shall:

4348 (i) include language requiring the department to terminate a sponsorship agreement if it
4349 determines the sponsorship agreement or acknowledgment sign:

4350 (A) presents a safety concern;

4351 (B) interferes with the free and safe flow of traffic; or

4352 (C) is not in the public interest; and

4353 (ii) describe the sponsors and sponsorship agreements that are acceptable and
4354 consistent with applicable state and federal laws.

4355 (4) A sponsorship authorized by this section:

4356 (a) may not contain:

4357 (i) promotion of any substance or activity that is illegal for minors, such as alcohol,
4358 tobacco, drugs, or gambling;

4359 (ii) promotion of any political party, candidate, or issue; or

4360 (iii) sexual material;

4361 (b) may not resemble a traffic-control device as defined in Section [41-6a-102](#); and

4362 (c) shall comply with federal outdoor advertising regulations in accordance with 23
4363 U.S.C. Sec. 131.

4364 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4365 department shall make and enforce rules governing:

4366 (a) the placement and size restrictions for acknowledgment signs at rest areas; and

4367 (b) other size, placement, and content restrictions that the department determines are
4368 necessary.

4369 (6) A commercial advertiser that enters a sponsorship agreement with the department

4370 for the use of space for a sponsorship shall pay:

4371 (a) the cost of placing the sponsorship advertisement on a sign; and

4372 (b) for the removal of the sponsorship advertisement after the term of the sponsorship
4373 agreement has expired.

4374 Section 52. Section **72-10-102** is amended to read:

4375 **72-10-102. Definitions.**

4376 As used in this chapter:

4377 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air
4378 navigation.

4379 (2) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair,
4380 or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or
4381 other air navigation facilities.

4382 (3) "Aeronautics instructor" means any individual engaged in giving or offering to give
4383 instruction in aeronautics, flying, or ground subjects, either with or without:

4384 (a) compensation or other reward;

4385 (b) advertising the occupation;

4386 (c) calling his facilities an air school, or any equivalent term; or

4387 (d) employing or using other instructors.

4388 (4) "Aircraft" means any contrivance now known or in the future invented, used, or
4389 designed for navigation of or flight in the air.

4390 (5) "Air instruction" means the imparting of aeronautical information by any aviation
4391 instructor or in any air school or flying club.

4392 (6) "Airport" means any area of land, water, or both, that:

4393 (a) is used or is made available for landing and takeoff;

4394 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of
4395 passengers and cargo;

4396 (c) meets the minimum requirements established by the division as to size and design,
4397 surface, marking, equipment, and operation; and

4398 (d) includes all areas shown as part of the airport in the current airport layout plan as
4399 approved by the Federal Aviation Administration.

4400 (7) "Airport authority" means a political subdivision of the state, other than a county or
4401 municipality, that is authorized by statute to operate an airport.

4402 (8) "Airport operator" means a municipality, county, or airport authority that owns or
4403 operates a commercial airport.

4404 (9) (a) "Airport revenue" means:

4405 (i) all fees, charges, rents, or other payments received by or accruing to an airport
4406 operator for any of the following reasons:

4407 (A) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport
4408 permittees making use of airport property and services, and other parties;

4409 (B) revenue received from the activities of others or the transfer of rights to others
4410 relating to the airport, including revenue received:

4411 (I) for the right to conduct an activity on the airport or to use or occupy airport
4412 property;

4413 (II) for the sale, transfer, or disposition of airport real or personal property, or any
4414 interest in that property, including transfer through a condemnation proceeding;

4415 (III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural
4416 products or water owned by the airport operator to be taken from the airport; and

4417 (IV) for the right to conduct an activity on, or for the use or disposition of, real or
4418 personal property or any interest in real or personal property owned or controlled by the airport
4419 operator and used for an airport-related purpose but not located on the airport; or

4420 (C) revenue received from activities conducted by the airport operator whether on or
4421 off the airport, which is directly connected to the airport operator's ownership or operation of
4422 the airport; and

4423 (ii) state and local taxes on aviation fuel.

4424 (b) "Airport revenue" does not include amounts received by an airport operator as
4425 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

4426 (10) "Air school" means any person engaged in giving, offering to give, or advertising,
4427 representing, or holding himself out as giving, with or without compensation or other reward,
4428 instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

4429 (11) "Airworthiness" means conformity with requirements prescribed by the Federal
4430 Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or
4431 accessories.

4432 (12) "Civil aircraft" means any aircraft other than a public aircraft.

4433 (13) "Commercial aircraft" means aircraft used for commercial purposes.

4434 (14) "Commercial airport" means a landing area, landing strip, or airport that may be
4435 used for commercial operations.

4436 (15) "Commercial flight operator" means a person who conducts commercial
4437 operations.

4438 (16) "Commercial operations" means:

4439 (a) any operations of an aircraft for compensation or hire or any services performed
4440 incidental to the operation of any aircraft for which a fee is charged or compensation is
4441 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of
4442 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or
4443 distribution of chemicals or other substances, and the operation of aircraft for hunting and
4444 fishing; or

4445 (b) the brokering or selling of any of these services; but

4446 (c) does not include any operations of aircraft as common carriers certificated by the
4447 federal government or the services incidental to those operations.

4448 (17) "Dealer" means any person who is actively engaged in the business of flying for
4449 demonstration purposes, or selling or exchanging aircraft, and who has an established place of
4450 business.

4451 [~~(18) "Division" means the Operations Division in the Department of Transportation,
4452 created in Section [72-1-204](#).]~~

4453 [~~(19)~~ (18) "Experimental aircraft" means:

4454 (a) any aircraft designated by the Federal Aviation Administration or the military as
4455 experimental and used solely for the purpose of experiments, or tests regarding the structure or
4456 functioning of aircraft, engines, or their accessories; and

4457 (b) any aircraft designated by the Federal Aviation Administration as:

4458 (i) being custom or amateur built; and

4459 (ii) used for recreational, educational, or display purposes.

4460 [~~(20)~~] (19) "Flight" means any kind of locomotion by aircraft while in the air.

4461 [~~(21)~~] (20) "Flying club" means five or more persons who for neither profit nor reward
4462 own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

4463 [~~(22)~~] (21) "Glider" means an aircraft heavier than air, similar to an airplane, but
4464 without a power plant.

4465 [~~(23)~~] (22) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or
4466 overhauls aircraft, engines, or accessories.

4467 [~~(24)~~] (23) "Parachute jumper" means any person who has passed the required test for
4468 jumping with a parachute from an aircraft, and has passed an examination showing that he
4469 possesses the required physical and mental qualifications for the jumping.

4470 [~~(25)~~] (24) "Parachute rigger" means any person who has passed the required test for
4471 packing, repairing, and maintaining parachutes.

4472 [~~(26)~~] (25) "Passenger aircraft" means aircraft used for transporting persons, in
4473 addition to the pilot or crew, with or without their necessary personal belongings.

4474 [~~(27)~~] (26) "Person" means any individual, corporation, limited liability company, or
4475 association of individuals.

4476 [~~(28)~~] (27) "Pilot" means any person who operates the controls of an aircraft while
4477 in-flight.

4478 [~~(29)~~] (28) "Primary glider" means any glider that has a gliding angle of less than 10 to
4479 one.

4480 [~~(30)~~] (29) "Public aircraft" means an aircraft used exclusively in the service of any
4481 government or of any political subdivision, including the government of the United States, of

4482 the District of Columbia, and of any state, territory, or insular possession of the United States,
4483 but not including any government-owned aircraft engaged in carrying persons or goods for
4484 commercial purposes.

4485 ~~[(31)]~~ (30) "Reckless flying" means the operation or piloting of any aircraft recklessly,
4486 or in a manner as to endanger the property, life, or body of any person, due regard being given
4487 to the prevailing weather conditions, field conditions, and to the territory being flown over.

4488 ~~[(32)]~~ (31) "Registration number" means the number assigned by the Federal Aviation
4489 Administration to any aircraft, whether or not the number includes a letter or letters.

4490 ~~[(33)]~~ (32) "Secondary glider" means any glider that has a gliding angle between 10 to
4491 one and 16 to one, inclusive.

4492 ~~[(34)]~~ (33) "Soaring glider" means any glider that has a gliding angle of more than 16
4493 to one.

4494 Section 53. Section **77-23c-101** is amended to read:

4495 **77-23c-101. Definitions.**

4496 As used in this chapter:

4497 (1) "Connected vehicle" means a vehicle that is equipped with a wireless
4498 communication device which can, for the purpose of improving vehicle safety or traffic
4499 mobility:

4500 (a) broadcast, according to industry-defined standards and without operator
4501 intervention, specific information about the vehicle movement and activity; and

4502 (b) receive related information from other vehicles, roadside transportation
4503 infrastructure, and others.

4504 ~~[(1)]~~ (2) "Electronic communication service" means a service that provides to users of
4505 the service the ability to send or receive wire or electronic communications.

4506 ~~[(2)]~~ (3) "Electronic device" means a device that enables access to or use of an
4507 electronic communication service, remote computing service, or location information service.

4508 ~~[(3)]~~ (4) "Government entity" means the state, a county, a municipality, a higher
4509 education institution, a local district, a special service district, or any other political subdivision

4510 of the state or an administrative subunit of any political subdivision, including a law
4511 enforcement entity or any other investigative entity, agency, department, division, bureau,
4512 board, or commission, or an individual acting or purporting to act for or on behalf of a state or
4513 local agency.

4514 ~~[(4)]~~ (5) "Location information" means information concerning the location of an
4515 electronic device that, in whole or in part, is generated or derived from or obtained by the
4516 operation of an electronic device.

4517 ~~[(5)]~~ (6) "Location information service" means the provision of a global positioning
4518 service or other mapping, location, or directional information service.

4519 ~~[(6)]~~ (7) "Remote computing service" means the provision of computer storage or
4520 processing services by means of an electronic communications system.

4521 Section 54. Section 77-23c-102 is amended to read:

4522 **77-23c-102. Location information privacy -- Warrant required for disclosure.**

4523 (1) (a) Except as provided in Subsection (2), a government entity may not obtain the
4524 location information, stored data, or transmitted data of an electronic device without a search
4525 warrant issued by a court upon probable cause.

4526 (b) Except as provided in Subsection (1)(c), a government entity may not use, copy, or
4527 disclose, for any purpose, the location information, stored data, or transmitted data of an
4528 electronic device that is not the subject of the warrant that is collected as part of an effort to
4529 obtain the location information, stored data, or transmitted data of the electronic device that is
4530 the subject of the warrant in Subsection (1)(a).

4531 (c) A government entity may use, copy, or disclose the transmitted data of an electronic
4532 device used to communicate with the electronic device that is the subject of the warrant if the
4533 government entity reasonably believes that the transmitted data is necessary to achieve the
4534 objective of the warrant.

4535 (d) The data described in Subsection (1)(b) shall be destroyed in an unrecoverable
4536 manner by the government entity as soon as reasonably possible after the data is collected.

4537 (2) (a) A government entity may obtain location information without a warrant for an

4538 electronic device:

4539 (i) in accordance with Section 53-10-104.5;

4540 (ii) if the device is reported stolen by the owner;

4541 (iii) with the informed, affirmative consent of the owner or user of the electronic
4542 device;

4543 (iv) in accordance with judicially recognized exceptions to warrant requirements; or

4544 (v) if the owner has voluntarily and publicly disclosed the location information.

4545 (b) A prosecutor may obtain a judicial order as defined in Section 77-22-2.5 for the
4546 purposes enumerated in Section 77-22-2.5.

4547 (3) An electronic communication service provider, its officers, employees, agents, or
4548 other specified persons may not be held liable for providing information, facilities, or
4549 assistance in accordance with the terms of the warrant issued under this section or without a
4550 warrant pursuant to Subsection (2).

4551 (4) (a) (i) Notwithstanding Subsections (1) through (3), a government entity may
4552 receive and utilize electronic data containing the location information of an electronic device
4553 from a non-government entity as long as the electronic data contains no information that
4554 includes, or may reveal, the identity of an individual.

4555 (ii) Notwithstanding Subsections (1) through (3), for roadway operation purposes, the
4556 Department of Transportation may obtain, collect, and utilize electronic data containing the
4557 location information of an electronic device that is placed in a motor vehicle by the vehicle
4558 manufacturer or the vehicle owner to make the vehicle a connected vehicle as long as the
4559 electronic data contains no information that includes or may reveal the:

4560 (A) identity of an individual; or

4561 (B) vehicle make, model, registration information, or manufacturer-issued vehicle
4562 identification number.

4563 (b) Electronic data collected in accordance with this subsection may not be used for
4564 investigative purposes by a law enforcement agency.

4565 Section 55. **Repealer.**

4566 This bill repeals:

4567 Section **17B-2a-803.1, Authority to name a large public transit district.**

4568 Section 56. **Effective date.**

4569 (1) Except as provided in Subsection (2), this bill takes effect on May 14, 2019.

4570 (2) The amendments to the following sections in this bill take effect on July 1, 2019:

4571 (a) Section [59-12-2202](#);

4572 (b) Section [59-12-2203](#);

4573 (c) Section [59-12-2212.2](#);

4574 (d) Section [59-12-2214](#);

4575 (e) Section [59-12-2215](#);

4576 (f) Section [59-12-2216](#);

4577 (g) Section [59-12-2217](#);

4578 (h) Section [59-12-2218](#);

4579 (i) Section [59-12-2219](#);

4580 (j) Section [59-12-2220](#);

4581 (k) Section [59-13-301](#); and

4582 (l) Section [72-2-201](#).

4583 Section 57. **Coordinating S.B. 72 with H.B. 57 -- Substantive amendments.**

4584 If this S.B. 72 and H.B. 57, Electronic Information or Data Privacy, both pass and

4585 become law, it is the intent of the Legislature that the amendments to Sections [77-23c-101](#) and

4586 [77-23c-102](#) in H.B. 57 supersede the amendments to Sections [77-23c-101](#) and [77-23c-102](#) in

4587 this bill, when the Office of Legislative Research and General Counsel prepares the Utah Code

4588 database for publication.