

**Senator Wayne A. Harper** proposes the following substitute bill:

**TRANSPORTATION AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to transportation, public transit, towing, and other related items.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to the service of a member of the board of trustees of a large public transit district;
- ▶ modifies provisions related to the costs of repair or replacement of damaged public property;
- ▶ changes the rulemaking authority related to school bus safety from the Department of Transportation to the Department of Public Safety;
- ▶ allows the Department of Public Safety to issue a request for information to evaluate options for creating a pilot program related to contracting with a towing management company and requires the department to report to the Transportation Interim Committee;
- ▶ removes the requirement for certain vehicles transporting livestock to stop at a port-of-entry;
- ▶ amends provisions related to the use of certain funds for public transit projects that



26 increase capacity; and  
27       ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29       None

30 **Other Special Clauses:**

31       None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34       **17B-2a-807.1**, as last amended by Laws of Utah 2019, Chapter 479
- 35       **17B-2a-808.1**, as last amended by Laws of Utah 2020, Chapter 377
- 36       **41-6a-409**, as last amended by Laws of Utah 2017, Chapter 142
- 37       **41-6a-1304**, as last amended by Laws of Utah 2008, Chapter 382
- 38       **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13
- 39       **72-1-304**, as last amended by Laws of Utah 2020, Chapter 377
- 40       **72-2-121**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 41       **72-2-124**, as last amended by Laws of Utah 2020, Chapters 366 and 377
- 42       **72-9-501**, as last amended by Laws of Utah 2008, Chapter 284
- 43       **72-9-502**, as last amended by Laws of Utah 2019, Chapter 251

44 ENACTS:

45       **53-1-106.1**, Utah Code Annotated 1953

46 

---

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

48       Section 1. Section **17B-2a-807.1** is amended to read:

49       **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**  
50 **Quorum -- Compensation -- Terms.**

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

53       (b) (i) The governor, with advice and consent of the Senate, shall appoint the members  
54 of the board of trustees, making an appointment from nominations given from each region  
55 created in Subsection (1)(b)(ii).

56       (ii) (A) Before creation of a large public transit district, the political subdivision or

57 subdivisions forming the large public transit district shall submit to the Legislature for approval  
58 a proposal for the creation of three regions for nominating members to the board of trustees of  
59 the large public transit district.

60 (B) For a large public transit district created after January 1, 2019, the Legislature, after  
61 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate  
62 three regions for nominating members to the board of trustees of the large public transit  
63 district, and further describe the process for nomination for appointment to the board of  
64 trustees.

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

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

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

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

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

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

77 (2) (a) Subject to Subsections (3), (4), and [~~(4)~~] (7), each member of the board of  
78 trustees of a large public transit district shall serve for a term of four years.

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

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

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

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

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

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

87 (5) The governor shall designate one member of the board of trustees as chair of the

88 board of trustees.

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

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

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

96 (7) Each board of trustees member shall serve until a successor is duly nominated,  
97 appointed, and qualified, unless the board of trustees member is removed from office or resigns  
98 or otherwise leaves office.

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

100 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**  
101 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

102 (1) The powers and duties of a board of trustees of a large public transit district stated  
103 in this section are in addition to the powers and duties stated in Section **17B-1-301**.

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

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

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

109 (c) subject to Subsection (8), create and approve an annual budget, including the  
110 issuance of bonds and other financial instruments, after consultation with the local advisory  
111 council;

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

113 (e) in consultation with the local advisory council, approve contracts and overall  
114 property acquisitions and dispositions for transit-oriented development;

115 (f) in consultation with constituent counties, municipalities, metropolitan planning  
116 organizations, and the local advisory council:

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

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

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

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

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

128 ~~[(j) (i) in partnership with the Department of Transportation, study and evaluate the  
129 feasibility of a strategic transition of a large public transit district into a state entity; and]~~

130 ~~[(ii) in partnership with the Department of Transportation, before November 30, 2019,  
131 report on the progress of the study to the Transportation Interim Committee and the  
132 Infrastructure and General Government Appropriations Subcommittee;]~~

133 ~~[(k) (j) hire, set salaries, and develop performance targets and evaluations for:~~

134 (i) the executive director; and

135 (ii) all chief level officers;

136 ~~[(l) (k) supervise and regulate each transit facility that the public transit district owns  
137 and operates, including:~~

138 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and  
139 charges; and

140 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in  
141 connection with a transit facility that the district owns or controls;

142 ~~[(m) (l) subject to Subsection (4), control the investment of all funds assigned to the  
143 district for investment, including funds:~~

144 (i) held as part of a district's retirement system; and

145 (ii) invested in accordance with the participating employees' designation or direction  
146 pursuant to an employee deferred compensation plan established and operated in compliance  
147 with Section 457 of the Internal Revenue Code;

148 ~~[(n) (m) in consultation with the local advisory council created under Section  
149 17B-2a-808.2, invest all funds according to the procedures and requirements of Title 51,~~

150 Chapter 7, State Money Management Act;

151 ~~[(t)]~~ (n) if a custodian is appointed under Subsection (3)(d), and subject to Subsection  
152 (4), pay the fees for the custodian's services from the interest earnings of the investment fund  
153 for which the custodian is appointed;

154 ~~[(p)]~~ (o) (i) cause an annual audit of all public transit district books and accounts to be  
155 made by an independent certified public accountant;

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

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

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

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

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

164 (iii) supply copies of the report under Subsection ~~[(2)(p)(ii)]~~ (2)(o)(ii) to the general  
165 public upon request;

166 ~~[(q)]~~ (p) report at least annually to the Transportation Commission created in Section  
167 72-1-301, which report shall include:

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

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

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

176 ~~[(s)]~~ (r) together with the local advisory council created in Section 17B-2a-808.2, hear  
177 audit reports for audits conducted in accordance with Subsection ~~[(2)(p)]~~ (2)(o);

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

180 (i) how negotiations occurred;

- 181 (ii) the rationale for providing a reduced fare; and
- 182 (iii) identification and evaluation of cost shifts to offset operational costs incurred and
- 183 impacted by each contract offering a reduced fare;
- 184 ~~[(t)]~~ (t) in consultation with the local advisory council, develop and approve other
- 185 board policies, ordinances, and bylaws; and
- 186 ~~[(v)]~~ (u) review and approve any:
- 187 (i) contract or expense exceeding \$200,000; or
- 188 (ii) proposed change order to an existing contract if the change order:
- 189 (A) increases the total contract value to \$200,000 or more;
- 190 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or
- 191 (C) has a total change order value of \$200,000 or more.
- 192 (3) A board of trustees of a large public transit district may:
- 193 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that
- 194 are:
- 195 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
- 196 provisions of this part; and
- 197 (ii) necessary for:
- 198 (A) the governance and management of the affairs of the district;
- 199 (B) the execution of district powers; and
- 200 (C) carrying into effect the provisions of this part;
- 201 (b) provide by resolution, under terms and conditions the board considers fit, for the
- 202 payment of demands against the district without prior specific approval by the board, if the
- 203 payment is:
- 204 (i) for a purpose for which the expenditure has been previously approved by the board;
- 205 (ii) in an amount no greater than the amount authorized; and
- 206 (iii) approved by the executive director or other officer or deputy as the board
- 207 prescribes;
- 208 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):
- 209 (i) hold public hearings and subpoena witnesses; and
- 210 (ii) appoint district officers to conduct a hearing and require the officers to make
- 211 findings and conclusions and report them to the board; and

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

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

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

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

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

225 (5) The board of trustees may not issue a bond unless the board of trustees has  
226 consulted and received approval from the State Bonding Commission created in Section  
227 [63B-1-201](#).

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

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

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

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

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

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



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

246 Section 3. Section **41-6a-409** is amended to read:

247 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

248 (1) As used in this section, "government entity" means the Department of  
249 Transportation, the Utah Highway Patrol Division, or a local government entity or agency.

250 (2) A government entity:

251 (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a  
252 motor vehicle accident; and

253 (b) may only charge the individual for the actual cost or a reasonable estimate of the  
254 cost of services provided in responding to the motor vehicle accident, limited to:

255 (i) medical costs for transporting an individual from the scene of a motor vehicle  
256 accident or treating a person injured in a motor vehicle accident;

257 (ii) subject to Subsection (6), the cost for repair [to] or replacement of damaged public  
258 property, if the individual is legally liable for the damage;

259 (iii) the cost of materials used in cleaning up the motor vehicle accident, if the  
260 individual is legally liable for the motor vehicle accident; and

261 (iv) towing costs.

262 (3) If a government entity imposes a charge on more than one individual for the actual  
263 cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the  
264 government entity shall apportion the charges so that the government entity does not receive  
265 more for responding to the motor vehicle accident than the actual response cost or a reasonable  
266 estimate of the cost.

267 (4) Nothing in this section prohibits a government entity from contracting with an  
268 independent contractor to recover costs related to damage to public property.

269 (5) If a government entity enters into a contract with an independent contractor to  
270 recover costs related to damage to public property, the government entity may only pay the  
271 independent contractor out of any recovery received from the person who caused the damage or  
272 the responsible party.

273 (6) The costs of repair or replacement of damaged public property described in

274 Subsection (2)(b)(ii):

275 (a) include the full cost to repair or replace the damaged public property; and

276 (b) may not be reduced based on depreciated value of the asset at the time the damage  
277 occurs.

278 Section 4. Section **41-6a-1304** is amended to read:

279 **41-6a-1304. School buses -- Rules regarding design and operation.**

280 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
281 the Department of [~~Transportation by and~~] Public Safety, with the advice of the State Board of  
282 Education [~~and the Department of Public Safety~~], shall adopt and enforce rules, not  
283 inconsistent with this chapter, to govern the design and operation of all school buses in this  
284 state when:

285 (i) owned and operated by any school district;

286 (ii) privately owned and operated under contract with a school district; or

287 (iii) privately owned for use by a private school.

288 (b) The rules under this Subsection (1) shall by reference be made a part of any  
289 contract with a school district or private school to operate a school bus.

290 (2) Every school district or private school, its officers and employees, and every person  
291 employed under contract by a school district or private school shall be subject to the rules  
292 under Subsection (1).

293 Section 5. Section **53-1-106.1** is enacted to read:

294 **53-1-106.1. Public-private partnership for tow rotation services.**

295 (1) The department may issue a request for information under Section [63G-6a-409](#) to  
296 evaluate the availability of vendors, products, and technology capable of increasing efficiency,  
297 effectiveness, and transparency in the dispatching of towing providers and management of  
298 towing rotations in areas of high volume and urban traffic that experience high demand for tow  
299 truck services.

300 (2) The department shall evaluate responses to a request for information described in  
301 Subsection (1) for:

302 (a) the following requirements and capabilities:

303 (i) decreasing delays associated with requesting and dispatching a tow truck motor  
304 carrier from an established tow rotation;

305 (ii) increasing information, transparency, and data collection associated with tow  
 306 rotation operations, including dispatching, response time, completion, clearance, and storage;  
 307 and

308 (iii) increasing responder and traffic safety by reducing secondary crashes, responder  
 309 time on scene, and the impacts of traffic accidents on traffic flow and safety; and

310 (b) costs and distribution of costs for the implementation of product programs,  
 311 equipment, technology, and other requirements.

312 (3) (a) The department shall report the department's findings and evaluation of any  
 313 request for information described in Subsection (1) to the Transportation Interim Committee no  
 314 later than November 30, 2021.

315 (b) Upon receipt of a report described in Subsection (3)(a), the Transportation Interim  
 316 Committee shall:

317 (i) review the department's evaluation of the responses to the request for information in  
 318 accordance with Subsection (2); and

319 (ii) if the Transportation Interim Committee determines appropriate, recommend  
 320 legislation that creates a pilot program for a public-private partnership related to towing  
 321 rotation management.

322 Section 6. Section **63I-2-253** is amended to read:

323 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

324 (1) Section 53-1-106.1 is repealed January 1, 2022.

325 ~~[(H)]~~ (2) (a) Section 53-2a-217, regarding procurement during an epidemic or pandemic  
 326 emergency, is repealed on December 31, 2021.

327 (b) When repealing Section 53-2a-217, the Office of Legislative Research and General  
 328 Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make  
 329 necessary changes to subsection numbering and cross references.

330 ~~[(2)]~~ (3) Section 53B-2a-103 is repealed July 1, 2021.

331 ~~[(3)]~~ (4) Section 53B-2a-104 is repealed July 1, 2021.

332 ~~[(4)]~~ (5) (a) Subsection 53B-2a-108(5), regarding exceptions to the composition of a  
 333 technical college board of trustees, is repealed July 1, 2022.

334 (b) When repealing Subsection 53B-2a-108(5), the Office of Legislative Research and  
 335 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make

336 necessary changes to subsection numbering and cross references.

337 ~~[(5)]~~ (6) Section 53B-6-105.7 is repealed July 1, 2024.

338 ~~[(6)]~~ (7) (a) Subsection 53B-7-705(6)(b)(ii)(A), the language that states "Except as  
339 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

340 (b) Subsection 53B-7-705(6)(b)(ii)(B), regarding comparing a technical college's  
341 change in performance with the technical college's average performance, is repealed July 1,  
342 2021.

343 ~~[(7)]~~ (8) (a) Subsection 53B-7-707(3)(a)(ii), the language that states "Except as  
344 provided in Subsection (3)(b)," is repealed July 1, 2021.

345 (b) Subsection 53B-7-707(3)(b), regarding performance data of a technical college  
346 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

347 ~~[(8)]~~ (9) Section 53B-8-114 is repealed July 1, 2024.

348 ~~[(9)]~~ (10) (a) The following sections, regarding the Regents' scholarship program, are  
349 repealed on July 1, 2023:

350 (i) Section 53B-8-202;

351 (ii) Section 53B-8-203;

352 (iii) Section 53B-8-204; and

353 (iv) Section 53B-8-205.

354 (b) (i) Subsection 53B-8-201(2), regarding the Regents' scholarship program for  
355 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

356 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and  
357 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make  
358 necessary changes to subsection numbering and cross references.

359 ~~[(10)]~~ (11) Section 53B-10-101 is repealed on July 1, 2027.

360 ~~[(11)]~~ (12) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,  
361 is repealed July 1, 2023.

362 ~~[(12)]~~ (13) Section 53E-3-519 regarding school counselor services is repealed July 1,  
363 2020.

364 ~~[(13)]~~ (14) Section 53E-3-520 is repealed July 1, 2021.

365 ~~[(14)]~~ (15) Subsection 53E-5-306(3)(b)(ii)(B), related to improving school  
366 performance and continued funding relating to the School Recognition and Reward Program, is

367 repealed July 1, 2020.

368 ~~[(15)]~~ (16) Section 53E-5-307 is repealed July 1, 2020.

369 ~~[(16)]~~ (17) Subsection 53E-10-309(7), related to the PRIME pilot program, is repealed  
370 July 1, 2024.

371 ~~[(17)]~~ (18) In Subsections 53F-2-205(4) and (5), regarding the State Board of  
372 Education's duties if contributions from the minimum basic tax rate are overestimated or  
373 underestimated, the language that states "or 53F-2-301.5, as applicable" is repealed July 1,  
374 2023.

375 ~~[(18)]~~ (19) Subsection 53F-2-301(1), relating to the years the section is not in effect, is  
376 repealed July 1, 2023.

377 ~~[(19)]~~ (20) In Subsection 53F-2-515(1), the language that states "or 53F-2-301.5, as  
378 applicable" is repealed July 1, 2023.

379 ~~[(20)]~~ (21) Section 53F-4-207 is repealed July 1, 2022.

380 ~~[(21)]~~ (22) In Subsection 53F-9-302(3), the language that states "or 53F-2-301.5, as  
381 applicable" is repealed July 1, 2023.

382 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as  
383 applicable" is repealed July 1, 2023.

384 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as  
385 applicable" is repealed July 1, 2023.

386 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,  
387 as applicable" is repealed July 1, 2023.

388 ~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),  
389 related to the civics engagement pilot program, are repealed on July 1, 2023.

390 ~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of  
391 Legislative Research and General Counsel shall, in addition to the office's authority under  
392 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections  
393 identified in this section are complete sentences and accurately reflect the office's perception of  
394 the Legislature's intent.

395 Section 7. Section 72-1-304 is amended to read:

396 **72-1-304. Written project prioritization process for new transportation capacity**  
397 **projects -- Rulemaking.**

398 (1) (a) The Transportation Commission, in consultation with the department and the  
399 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
400 prioritization process for the prioritization of:

- 401 (i) new transportation capacity projects that are or will be part of the state highway  
402 system under Chapter 4, Part 1, State Highways;
- 403 (ii) paved pedestrian or paved nonmotorized transportation projects that:  
404 (A) mitigate traffic congestion on the state highway system; and  
405 (B) are part of an active transportation plan approved by the department;
- 406 (iii) public transit projects that directly add capacity to the public transit systems within  
407 the state, not including facilities ancillary to the public transit system; and
- 408 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
409 public transit system.

410 (b) (i) A local government or district may nominate a project for prioritization in  
411 accordance with the process established by the commission in rule.

412 (ii) If a local government or district nominates a project for prioritization by the  
413 commission, the local government or district shall provide data and evidence to show that:

- 414 (A) the project will advance the purposes and goals described in Section 72-1-211;
- 415 (B) for a public transit project, the local government or district has an ongoing funding  
416 source for operations and maintenance of the proposed development; and
- 417 (C) the local government or district will provide 40% of the costs for the project as  
418 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

419 (2) The following shall be included in the written prioritization process under  
420 Subsection (1):

- 421 (a) a description of how the strategic initiatives of the department adopted under  
422 Section 72-1-211 are advanced by the written prioritization process;
- 423 (b) a definition of the type of projects to which the written prioritization process  
424 applies;
- 425 (c) specification of a weighted criteria system that is used to rank proposed projects  
426 and how it will be used to determine which projects will be prioritized;
- 427 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 428 (e) any other provisions the commission considers appropriate, which may include

429 consideration of:

430 (i) regional and statewide economic development impacts, including improved local  
431 access to:

432 (A) employment;

433 (B) educational facilities;

434 (C) recreation;

435 (D) commerce; and

436 (E) residential areas, including moderate income housing as demonstrated in the local  
437 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

438 (ii) the extent to which local land use plans relevant to a project support and  
439 accomplish the strategic initiatives adopted under Section 72-1-211; and

440 (iii) any matching funds provided by a political subdivision or public transit district in  
441 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

442 (3) (a) When prioritizing a public transit project that increases capacity, the  
443 commission may give priority consideration to projects that are part of a transit-oriented  
444 development or transit-supportive development as defined in Section 17B-2a-802.

445 (b) When prioritizing a public transit or transportation project that increases capacity,  
446 the commission may give priority consideration to projects that are part of a transportation  
447 reinvestment zone created under Section 11-13-227 if:

448 (i) the state is a participant in the transportation reinvestment zone; or

449 (ii) the commission finds that the transportation reinvestment zone provides a benefit  
450 to the state transportation system.

451 (4) In developing the written prioritization process, the commission:

452 (a) shall seek and consider public comment by holding public meetings at locations  
453 throughout the state; and

454 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
455 the state provides an equal opportunity to raise local matching dollars for state highway  
456 improvements within each county.

457 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
458 Transportation Commission, in consultation with the department, shall make rules establishing  
459 the written prioritization process under Subsection (1).

460 (6) The commission shall submit the proposed rules under this section to a committee  
461 or task force designated by the Legislative Management Committee for review prior to taking  
462 final action on the proposed rules or any proposed amendment to the rules described in  
463 Subsection (5).

464 Section 8. Section **72-2-121** is amended to read:

465 **72-2-121. County of the First Class Highway Projects Fund.**

466 (1) There is created a special revenue fund within the Transportation Fund known as  
467 the "County of the First Class Highway Projects Fund."

468 (2) The fund consists of money generated from the following revenue sources:

469 (a) any voluntary contributions received for new construction, major renovations, and  
470 improvements to highways within a county of the first class;

471 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)  
472 deposited in or transferred to the fund;

473 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or  
474 transferred to the fund; and

475 (d) a portion of the local option highway construction and transportation corridor  
476 preservation fee imposed in a county of the first class under Section [41-1a-1222](#) deposited in or  
477 transferred to the fund.

478 (3) (a) The fund shall earn interest.

479 (b) All interest earned on fund money shall be deposited into the fund.

480 (4) The executive director shall use the fund money only:

481 (a) to pay debt service and bond issuance costs for bonds issued under Sections  
482 [63B-16-102](#), [63B-18-402](#), and [63B-27-102](#);

483 (b) for right-of-way acquisition, new construction, major renovations, and  
484 improvements to highways within a county of the first class and to pay any debt service and  
485 bond issuance costs related to those projects, including improvements to a highway located  
486 within a municipality in a county of the first class where the municipality is located within the  
487 boundaries of more than a single county;

488 (c) for the construction, acquisition, use, maintenance, or operation of:

489 (i) an active transportation facility for nonmotorized vehicles;

490 (ii) multimodal transportation that connects an origin with a destination; or



- 491 (iii) a facility that may include a:
- 492 (A) pedestrian or nonmotorized vehicle trail;
- 493 (B) nonmotorized vehicle storage facility;
- 494 (C) pedestrian or vehicle bridge; or
- 495 (D) vehicle parking lot or parking structure;
- 496 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
- 497 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
- 498 transferred in accordance with Subsection 72-2-124(4)(a)(iv);
- 499 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
- 500 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
- 501 described in Subsection 63B-18-401(4)(a);
- 502 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
- 503 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
- 504 transfer an amount equal to 50% of the revenue generated by the local option highway
- 505 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
- 506 a county of the first class:
- 507 (i) to the legislative body of a county of the first class; and
- 508 (ii) to be used by a county of the first class for:
- 509 (A) highway construction, reconstruction, or maintenance projects; or
- 510 (B) the enforcement of state motor vehicle and traffic laws;
- 511 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
- 512 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
- 513 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:
- 514 (i) to the legislative body of a county of the first class; and
- 515 (ii) to be used by the county for the purposes described in this section;
- 516 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
- 517 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
- 518 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to
- 519 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
- 520 the fund in accordance with Subsection 59-12-2214(3)(b) to:
- 521 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under

522 Section 63B-27-102; and

523 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been  
524 deposited into the Transportation Fund;

525 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
526 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after  
527 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers  
528 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount  
529 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the  
530 first class to fund a system for public transit;

531 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified  
532 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after  
533 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers  
534 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount  
535 deposited into the fund under Subsection (2)(b):

536 (i) to the legislative body of a county of the first class; and

537 (ii) to fund parking facilities in a county of the first class that facilitate significant  
538 economic development and recreation and tourism within the state;

539 (k) for the 2018-19 fiscal year only, after the department has verified that the amount  
540 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under  
541 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections  
542 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for  
543 the following projects:

544 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

545 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from  
546 6800 West to 7300 West;

547 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

548 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400  
549 South to 13200 South;

550 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State  
551 Street to Van Winkle;

552 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from

553 11400 South to 12300 South;

554 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

555 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to  
556 10200 South from 2700 West to 3200 West;

557 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near  
558 Mountain View Corridor;

559 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and

560 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from  
561 7200 West to 8000 West; and

562 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been  
563 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in  
564 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required  
565 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection  
566 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to  
567 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a  
568 county of the first class and deposited into the fund in accordance with Subsection  
569 59-12-2214(3)(b):

570 (i) to the legislative body of a county of the first class; and

571 (ii) to be used by the county for the purposes described in this section.

572 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the  
573 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and  
574 63B-27-102 are considered a local matching contribution for the purposes described under  
575 Section 72-2-123.

576 (6) The additional administrative costs of the department to administer this fund shall  
577 be paid from money in the fund.

578 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the  
579 revenue sources deposited into this fund, the Department of Transportation may use the money  
580 in this fund for any of the purposes detailed in Subsection (4).

581 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal  
582 year, after all programmed payments and transfers authorized or required under this section  
583 have been made, on November 30 the department shall transfer the remainder of the money in

584 the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund  
585 under Subsection [~~(4)(j)(ii)~~] (4)(h)(ii).

586 (b) The department shall provide notice to a county of the first class of the amount  
587 transferred in accordance with this Subsection (8).

588 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under  
589 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

590 (b) A county of the first class shall create a county transportation advisory committee  
591 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public  
592 transit projects and rank projects for allocation of funds.

593 (c) The county transportation advisory committee described in Subsection (9)(b) shall  
594 be composed of the following 13 members:

595 (i) six members who are residents of the county, nominated by the county executive  
596 and confirmed by the county legislative body who are:

597 (A) members of a local advisory council of a large public transit district as defined in  
598 Section [17B-2a-802](#);

599 (B) county council members; or

600 (C) other residents with expertise in transportation planning and funding; and

601 (ii) seven members nominated by the county executive, and confirmed by the county  
602 legislative body, chosen from mayors or managers of cities or towns within the county.

603 (d) (i) A majority of the members of the county transportation advisory committee  
604 constitutes a quorum.

605 (ii) The action by a quorum of the county transportation advisory committee constitutes  
606 an action by the county transportation advisory committee.

607 (e) The county body shall determine:

608 (i) the length of a term of a member of the county transportation advisory committee;

609 (ii) procedures and requirements for removing a member of the county transportation  
610 advisory committee;

611 (iii) voting requirements of the county transportation advisory committee;

612 (iv) chairs or other officers of the county transportation advisory committee;

613 (v) how meetings are to be called and the frequency of meetings, but not less than once  
614 annually; and

615 (vi) the compensation, if any, of members of the county transportation advisory  
616 committee.

617 (f) The county shall establish by ordinance criteria for prioritization and ranking of  
618 projects, which may include consideration of regional and countywide economic development  
619 impacts, including improved local access to:

- 620 (i) employment;
- 621 (ii) recreation;
- 622 (iii) commerce; and
- 623 (iv) residential areas.

624 (g) The county transportation advisory committee shall evaluate and rank each  
625 proposed public transit project and regionally significant transportation facility according to  
626 criteria developed pursuant to Subsection (9)(f).

627 (h) (i) After the review and ranking of each project as described in this section, the  
628 county transportation advisory committee shall provide a report and recommend the ranked list  
629 of projects to the county legislative body and county executive.

630 (ii) After review of the recommended list of projects, as part of the county budgetary  
631 process, the county executive shall review the list of projects and may include in the proposed  
632 budget the proposed projects for allocation, as funds are available.

633 (i) The county executive of the county of the first class, with information provided by  
634 the county and relevant state entities, shall provide a report annually to the county  
635 transportation advisory committee, and to the mayor or manager of each city, town, or metro  
636 township in the county, including the following:

- 637 (i) the amount of revenue received into the fund during the past year;
- 638 (ii) any funds available for allocation;
- 639 (iii) funds obligated for debt service; and
- 640 (iv) the outstanding balance of transportation-related debt.

641 (10) As resources allow, the department shall study in 2020 transportation connectivity  
642 in the southwest valley of Salt Lake County, including the feasibility of connecting major  
643 east-west corridors to U-111.

644 Section 9. Section **72-2-124** is amended to read:

645 **72-2-124. Transportation Investment Fund of 2005.**

646 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
647 of 2005.

648 (2) The fund consists of money generated from the following sources:

649 (a) any voluntary contributions received for the maintenance, construction,  
650 reconstruction, or renovation of state and federal highways;

651 (b) appropriations made to the fund by the Legislature;

652 (c) registration fees designated under Section 41-1a-1201;

653 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
654 59-12-103; and

655 (e) revenues transferred to the fund in accordance with Section 72-2-106.

656 (3) (a) The fund shall earn interest.

657 (b) All interest earned on fund money shall be deposited into the fund.

658 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
659 fund money to pay:

660 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
661 federal highways prioritized by the Transportation Commission through the prioritization  
662 process for new transportation capacity projects adopted under Section 72-1-304;

663 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
664 projects described in Subsections 63B-18-401(2), (3), and (4);

665 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
666 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
667 with Subsection 72-2-121(4)(e);

668 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
669 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
670 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
671 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

672 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
673 for projects prioritized in accordance with Section 72-2-125;

674 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
675 the Centennial Highway Fund created by Section 72-2-118;

676 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First

677 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
678 in Section 72-2-121; and

679 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
680 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
681 nonmotorized transportation for projects that:

682 (A) mitigate traffic congestion on the state highway system;

683 (B) are part of an active transportation plan approved by the department; and

684 (C) are prioritized by the commission through the prioritization process for new  
685 transportation capacity projects adopted under Section 72-1-304.

686 (b) The executive director may use fund money to exchange for an equal or greater  
687 amount of federal transportation funds to be used as provided in Subsection (4)(a).

688 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program  
689 fund money to a project prioritized by the commission under Section 72-1-304, including fund  
690 money from the Transit Transportation Investment Fund, within the boundaries of a  
691 municipality that is required to adopt a moderate income housing plan element as part of the  
692 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has  
693 failed to adopt a moderate income housing plan element as part of the municipality's general  
694 plan or has failed to implement the requirements of the moderate income housing plan as  
695 determined by the results of the Department of Workforce Service's review of the annual  
696 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

697 (b) Within the boundaries of a municipality that is required under Subsection  
698 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate  
699 income housing plan element as part of the municipality's general plan or has failed to  
700 implement the requirements of the moderate income housing plan as determined by the results  
701 of the Department of Workforce Service's review of the annual moderate income housing  
702 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

703 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
704 facility or interchange connecting limited-access facilities;

705 (ii) may not program fund money for the construction, reconstruction, or renovation of  
706 an interchange on a limited-access facility;

707 (iii) may program Transit Transportation Investment Fund money for a

708 multi-community fixed guideway public transportation project; and

709 (iv) may not program Transit Transportation Investment Fund money for the  
710 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
711 transportation project.

712 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
713 director before May 1, 2020, for projects prioritized by the commission under Section  
714 [72-1-304](#).

715 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program  
716 fund money to a project prioritized by the commission under Section [72-1-304](#), including fund  
717 money from the Transit Transportation Investment Fund, within the boundaries of the  
718 unincorporated area of a county, if the county is required to adopt a moderate income housing  
719 plan element as part of the county's general plan as described in Subsection [17-27a-401](#)(3) and  
720 if the county has failed to adopt a moderate income housing plan element as part of the county's  
721 general plan or has failed to implement the requirements of the moderate income housing plan  
722 as determined by the results of the Department of Workforce Service's review of the annual  
723 moderate income housing report described in Subsection [35A-8-803](#)(1)(a)(vii).

724 (b) Within the boundaries of the unincorporated area of a county where the county is  
725 required under Subsection [17-27a-401](#)(3) to plan for moderate income housing growth but has  
726 failed to adopt a moderate income housing plan element as part of the county's general plan or  
727 has failed to implement the requirements of the moderate income housing plan as determined  
728 by the results of the Department of Workforce Service's review of the annual moderate income  
729 housing report described in Subsection [35A-8-803](#)(1)(a)(vii), the executive director:

730 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
731 facility to a project prioritized by the commission under Section [72-1-304](#);

732 (ii) may not program fund money for the construction, reconstruction, or renovation of  
733 an interchange on a limited-access facility;

734 (iii) may program Transit Transportation Investment Fund money for a  
735 multi-community fixed guideway public transportation project; and

736 (iv) may not program Transit Transportation Investment Fund money for the  
737 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
738 transportation project.



739 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
740 director before July 1, 2020, for projects prioritized by the commission under Section [72-1-304](#).

741 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued  
742 in any fiscal year, the department and the commission shall appear before the Executive  
743 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
744 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),  
745 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

746 (b) The Executive Appropriations Committee of the Legislature shall review and  
747 comment on the amount of bond proceeds needed to fund the projects.

748 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
749 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
750 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or  
751 sinking fund.

752 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
753 Transportation Investment Fund.

754 (b) The fund shall be funded by:

755 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

756 (ii) appropriations into the account by the Legislature;

757 (iii) private contributions; and

758 (iv) donations or grants from public or private entities.

759 (c) (i) The fund shall earn interest.

760 (ii) All interest earned on fund money shall be deposited into the fund.

761 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund  
762 for public transit capital development of new capacity projects to be used as prioritized by the  
763 commission through the prioritization process adopted under Section [72-1-304](#).

764 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
765 capital development project or pedestrian or nonmotorized transportation project that provides  
766 connection to the public transit system if the public transit district or political subdivision  
767 provides funds of equal to or greater than 40% of the costs needed for the project.

768 (ii) A public transit district or political subdivision may use money derived from a loan  
769 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or

770 part of the 40% requirement described in Subsection (9)(e)(i) if:

771 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
772 State Infrastructure Bank Fund; and

773 (B) the proposed capital project has been prioritized by the commission pursuant to  
774 Section 72-1-303.

775 Section 10. Section 72-9-501 is amended to read:

776 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**  
777 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**  
778 **agents.**

779 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor  
780 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws  
781 including laws relating to:

782 (i) driver qualifications;

783 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;

784 (iii) vehicle registration;

785 (iv) fuel tax payment;

786 (v) vehicle size, weight, and load;

787 (vi) security or insurance;

788 (vii) this chapter;

789 (viii) hazardous material as defined under 49 U.S.C. 5102; and

790 [~~(ix) livestock transportation; and~~]

791 [~~(x)~~ (ix) safety.

792 (b) The ports-of-entry shall be located on state highways at sites determined by the  
793 department.

794 (2) (a) The ports-of-entry shall be operated and maintained by the department.

795 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,  
796 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

797 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described  
798 in this section is committed, may:

799 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

800 (ii) request and administer chemical tests to determine blood alcohol concentration in

801 compliance with Section 41-6a-515;

802 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

803 (iv) serve a driver with notice of the Driver License Division of the Department of  
804 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle  
805 in accordance with Section 53-3-418.

806 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a  
807 port-of-entry agent who is not a peace officer or special function officer designated under Title  
808 53, Chapter 13, Peace Officer Classifications.

809 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources  
810 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections  
811 23-27-301 and 23-27-302.

812 (b) The department is not responsible for decontaminating a conveyance or equipment  
813 detained or quarantined.

814 (c) The Division of Wildlife Resources may decontaminate, as defined in Section  
815 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

816 Section 11. Section 72-9-502 is amended to read:

817 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**  
818 **Rulemaking -- By-pass permits.**

819 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross  
820 vehicle weight of 10,001 pounds or more [~~or any motor vehicle carrying livestock as defined in~~  
821 ~~Section 4-24-102~~] shall stop at a port-of-entry as required under this section.

822 (2) The department may erect and maintain signs directing motor vehicles to a  
823 port-of-entry as provided in this section.

824 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt  
825 from this section if:

826 (a) the total one-way trip distance for the motor vehicle would be increased by more  
827 than 5% or three miles, whichever is greater if diverted to a port-of-entry;

828 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit  
829 issued under Subsection (4); or

830 (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102  
831 being operated only incidentally on a highway as described in Section 41-1a-202.

832           (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
833 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit  
834 exempting a motor vehicle from the provisions of Subsection (1) if the department determines  
835 that the permit is needed to accommodate highway transportation needs due to multiple daily or  
836 weekly trips in the proximity of a port-of-entry.

837           (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a  
838 motor carrier for multiple motor vehicles.