

1 **TRANSPORTATION REVISIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Kay J. Christofferson

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends code sections related to transportation and motor vehicle items and  
10 makes technical corrections.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ amends provisions related to station area plans for public transit;
- 15 ▶ amends provisions related to the compensation for a member of the board of  
16 trustees of a large public transit district;
- 17 ▶ prohibits an individual from passing a snowplow on the side where the snowplow  
18 blade is deployed;
- 19 ▶ prohibits an individual from passing three or more snowplows operating in echelon  
20 formation;
- 21 ▶ requires an individual operating a motor vehicle to move over to avoid a vehicle  
22 stopped on the side of a highway;
- 23 ▶ amends provisions related to license plate requirements for a vintage vehicle;
- 24 ▶ amends a required local match of funds to qualify for certain transportation related  
25 funds;
- 26 ▶ clarifies the division of responsibilities within the Department of Transportation for  
27 oversight of capital development of public transit facilities, shifting that oversight  
28 from the executive director to a deputy director;

- 29           ▶ makes technical corrections to motor vehicle and transportation related code
- 30 sections;
- 31           ▶ amends provisions related to the transfer of real property from the Department of
- 32 Transportation and a large public transit district;
- 33           ▶ amends provisions related to fees related to tow truck dispatch services; and
- 34           ▶ removes outdated language.

**35 Money Appropriated in this Bill:**

36           None

**37 Other Special Clauses:**

38           None

**39 Utah Code Sections Affected:**

40 AMENDS:

- 41           **10-9a-203**, as last amended by Laws of Utah 2021, Chapters 84, 162 and 345
- 42           **10-9a-403**, as last amended by Laws of Utah 2022, Chapters 282, 406 and last amended
- 43 by Coordination Clause, Laws of Utah 2022, Chapter 406
- 44           **10-9a-403.1**, as enacted by Laws of Utah 2022, Chapter 406
- 45           **17B-2a-808.2**, as last amended by Laws of Utah 2022, Chapter 69
- 46           **20A-7-601**, as last amended by Laws of Utah 2022, Chapter 406
- 47           **41-1a-416**, as last amended by Laws of Utah 2008, Chapter 382
- 48           **41-1a-1201**, as last amended by Laws of Utah 2022, Chapter 259
- 49           **41-6a-102**, as last amended by Laws of Utah 2022, Chapters 86, 92 and 104
- 50           **41-6a-704**, as last amended by Laws of Utah 2019, Chapter 49
- 51           **41-6a-705**, as last amended by Laws of Utah 2015, Chapter 412
- 52           **41-6a-904**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 53           **41-21-1**, as last amended by Laws of Utah 2022, Chapter 259
- 54           **53-3-109**, as last amended by Laws of Utah 2020, Chapter 428
- 55           **63I-1-241**, as last amended by Laws of Utah 2022, Chapters 68, 92, 104, and 110

- 56 [72-1-202](#), as last amended by Laws of Utah 2022, Chapter 69
- 57 [72-1-203](#), as last amended by Laws of Utah 2019, Chapter 479
- 58 [72-1-301](#), as last amended by Laws of Utah 2020, Chapters 352, 373
- 59 [72-1-302](#), as last amended by Laws of Utah 2020, Chapter 373
- 60 [72-1-303](#), as last amended by Laws of Utah 2022, Chapter 99
- 61 [72-1-304](#), as last amended by Laws of Utah 2022, Chapter 406
- 62 [72-1-305](#), as last amended by Laws of Utah 2018, Chapter 424
- 63 [72-2-124](#), as last amended by Laws of Utah 2022, Chapters 69, 259 and 406
- 64 [72-5-117](#), as last amended by Laws of Utah 2011, Chapter 289
- 65 [72-9-604](#), as last amended by Laws of Utah 2020, Chapters 45, 420

66 ENACTS:

67 [41-6a-718](#), Utah Code Annotated 1953

68 REPEALS AND REENACTS:

69 [53-1-106.2](#), as enacted by Laws of Utah 2022, Chapter 259



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

72 Section 1. Section **10-9a-203** is amended to read:

73 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**  
74 **plan amendments in certain municipalities.**

75 (1) Before preparing a proposed general plan or a comprehensive general plan  
76 amendment, each municipality within a county of the first or second class shall provide 10  
77 calendar days notice of the municipality's intent to prepare a proposed general plan or a  
78 comprehensive general plan amendment:

- 79 (a) to each affected entity;
- 80 (b) to the Utah Geospatial Resource Center created in Section [63A-16-505](#);
- 81 (c) to the association of governments, established pursuant to an interlocal agreement
- 82 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;

83 and

84 (d) on the Utah Public Notice Website created under Section 63A-16-601.

85 (2) Each notice under Subsection (1) shall:

86 (a) indicate that the municipality intends to prepare a general plan or a comprehensive  
87 general plan amendment, as the case may be;

88 (b) describe or provide a map of the geographic area that will be affected by the general  
89 plan or amendment;

90 (c) be sent by mail, e-mail, or other effective means;

91 (d) invite the affected entities to provide information for the municipality to consider in  
92 the process of preparing, adopting, and implementing a general plan or amendment concerning:

93 (i) impacts that the use of land proposed in the proposed general plan or amendment  
94 may have; and

95 (ii) uses of land within the municipality that the affected entity is considering that may  
96 conflict with the proposed general plan or amendment; and

97 (e) include the address of an Internet website, if the municipality has one, and the name  
98 and telephone number of an individual where more information can be obtained concerning the  
99 municipality's proposed general plan or amendment.

100 (3) A municipality shall send the newly adopted general plan and comprehensive  
101 general plan amendments to the relevant association of governments within 45 days of the date  
102 of adoption.

103 Section 2. Section 10-9a-403 is amended to read:

104 **10-9a-403. General plan preparation.**

105 (1) (a) The planning commission shall provide notice, as provided in Section  
106 10-9a-203, of the planning commission's intent to make a recommendation to the municipal  
107 legislative body for a general plan or a comprehensive general plan amendment when the  
108 planning commission initiates the process of preparing the planning commission's  
109 recommendation.

110 (b) The planning commission shall make and recommend to the legislative body a  
111 proposed general plan for the area within the municipality.

112 (c) The plan may include areas outside the boundaries of the municipality if, in the  
113 planning commission's judgment, those areas are related to the planning of the municipality's  
114 territory.

115 (d) Except as otherwise provided by law or with respect to a municipality's power of  
116 eminent domain, when the plan of a municipality involves territory outside the boundaries of  
117 the municipality, the municipality may not take action affecting that territory without the  
118 concurrence of the county or other municipalities affected.

119 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
120 and descriptive and explanatory matter, shall include the planning commission's  
121 recommendations for the following plan elements:

122 (i) a land use element that:

123 (A) designates the long-term goals and the proposed extent, general distribution, and  
124 location of land for housing for residents of various income levels, business, industry,  
125 agriculture, recreation, education, public buildings and grounds, open space, and other  
126 categories of public and private uses of land as appropriate;

127 (B) includes a statement of the projections for and standards of population density and  
128 building intensity recommended for the various land use categories covered by the plan;

129 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use  
130 element with the water use and preservation element; and

131 (D) except for a city of the fifth class or a town, accounts for the effect of land use  
132 categories and land uses on water demand;

133 (ii) a transportation and traffic circulation element that:

134 (A) provides the general location and extent of existing and proposed freeways, arterial  
135 and collector streets, public transit, active transportation facilities, and other modes of  
136 transportation that the planning commission considers appropriate;

137 (B) for a municipality that has access to a major transit investment corridor, addresses  
138 the municipality's plan for residential and commercial development around major transit  
139 investment corridors to maintain and improve the connections between housing, employment,  
140 education, recreation, and commerce;

141 (C) for a municipality that does not have access to a major transit investment corridor,  
142 addresses the municipality's plan for residential and commercial development in areas that will  
143 maintain and improve the connections between housing, transportation, employment,  
144 education, recreation, and commerce; and

145 (D) correlates with the population projections, the employment projections, and the  
146 proposed land use element of the general plan;

147 (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income  
148 housing element that:

149 (A) provides a realistic opportunity to meet the need for additional moderate income  
150 housing within the next five years;

151 (B) selects three or more moderate income housing strategies described in Subsection  
152 (2)(b)(iii) for implementation, including [~~one~~] additional moderate income housing [~~strategy~~]  
153 strategies as provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed  
154 guideway public transit station; and

155 (C) includes an implementation plan as provided in Subsection (2)(c); and

156 (iv) except for a city of the fifth class or a town, a water use and preservation element  
157 that addresses:

158 (A) the effect of permitted development or patterns of development on water demand  
159 and water infrastructure;

160 (B) methods of reducing water demand and per capita consumption for future  
161 development;

162 (C) methods of reducing water demand and per capita consumption for existing  
163 development; and

164 (D) opportunities for the municipality to modify the municipality's operations to  
165 eliminate practices or conditions that waste water.

166 (b) In drafting the moderate income housing element, the planning commission:

167 (i) shall consider the Legislature's determination that municipalities shall facilitate a  
168 reasonable opportunity for a variety of housing, including moderate income housing:

169 (A) to meet the needs of people of various income levels living, working, or desiring to  
170 live or work in the community; and

171 (B) to allow people with various incomes to benefit from and fully participate in all  
172 aspects of neighborhood and community life;

173 (ii) for a town, may include, and for a specified municipality as defined in Section  
174 10-9a-408, shall include[;] an analysis of how the municipality will provide a realistic  
175 opportunity for the development of moderate income housing within the next five years;

176 (iii) for a town, may include, and for other municipalities, shall include[;] a  
177 recommendation to implement three or more of the following moderate income housing  
178 strategies:

179 (A) rezone for densities necessary to facilitate the production of moderate income  
180 housing;

181 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that  
182 facilitates the construction of moderate income housing;

183 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing  
184 stock into moderate income housing;

185 (D) identify and utilize general fund subsidies or other sources of revenue to waive  
186 construction related fees that are otherwise generally imposed by the municipality for the  
187 construction or rehabilitation of moderate income housing;

188 (E) create or allow for, and reduce regulations related to, internal or detached accessory  
189 dwelling units in residential zones;

190 (F) zone or rezone for higher density or moderate income residential development in

191 commercial or mixed-use zones near major transit investment corridors, commercial centers, or  
192 employment centers;

193 (G) amend land use regulations to allow for higher density or new moderate income  
194 residential development in commercial or mixed-use zones near major transit investment  
195 corridors;

196 (H) amend land use regulations to eliminate or reduce parking requirements for  
197 residential development where a resident is less likely to rely on the resident's own vehicle,  
198 such as residential development near major transit investment corridors or senior living  
199 facilities;

200 (I) amend land use regulations to allow for single room occupancy developments;

201 (J) implement zoning incentives for moderate income units in new developments;

202 (K) preserve existing and new moderate income housing and subsidized units by  
203 utilizing a landlord incentive program, providing for deed restricted units through a grant  
204 program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;

205 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

206 (M) demonstrate creation of, or participation in, a community land trust program for  
207 moderate income housing;

208 (N) implement a mortgage assistance program for employees of the municipality, an  
209 employer that provides contracted services to the municipality, or any other public employer  
210 that operates within the municipality;

211 (O) apply for or partner with an entity that applies for state or federal funds or tax  
212 incentives to promote the construction of moderate income housing, an entity that applies for  
213 programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
214 entity that applies for affordable housing programs administered by the Department of  
215 Workforce Services, an entity that applies for affordable housing programs administered by an  
216 association of governments established by an interlocal agreement under Title 11, Chapter 13,  
217 Interlocal Cooperation Act, an entity that applies for services provided by a public housing



218 authority to preserve and create moderate income housing, or any other entity that applies for  
219 programs or services that promote the construction or preservation of moderate income  
220 housing;

221 (P) demonstrate utilization of a moderate income housing set aside from a community  
222 reinvestment agency, redevelopment agency, or community development and renewal agency  
223 to create or subsidize moderate income housing;

224 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
225 Part 6, Housing and Transit Reinvestment Zone Act;

226 (R) eliminate impact fees for any accessory dwelling unit that is not an internal  
227 accessory dwelling unit as defined in Section [10-9a-530](#);

228 (S) create a program to transfer development rights for moderate income housing;

229 (T) ratify a joint acquisition agreement with another local political subdivision for the  
230 purpose of combining resources to acquire property for moderate income housing;

231 (U) develop a moderate income housing project for residents who are disabled or 55  
232 years old or older;

233 (V) develop and adopt a station area plan in accordance with Section [10-9a-403.1](#);

234 (W) create or allow for, and reduce regulations related to, multifamily residential  
235 dwellings compatible in scale and form with detached single-family residential dwellings and  
236 located in walkable communities within residential or mixed-use zones; and

237 (X) demonstrate implementation of any other program or strategy to address the  
238 housing needs of residents of the municipality who earn less than 80% of the area median  
239 income, including the dedication of a local funding source to moderate income housing or the  
240 adoption of a land use ordinance that requires 10% or more of new residential development in a  
241 residential zone be dedicated to moderate income housing; and

242 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a  
243 municipality that has a fixed guideway public transit station, shall include a recommendation to  
244 implement:

- 245 (A) the strategy described in Subsection (2)(b)(iii)(V); and  
246 (B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).
- 247 (c) (i) In drafting the implementation plan portion of the moderate income housing  
248 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a  
249 timeline for implementing each of the moderate income housing strategies selected by the  
250 municipality for implementation.
- 251 (ii) The timeline described in Subsection (2)(c)(i) shall:
- 252 (A) identify specific measures and benchmarks for implementing each moderate  
253 income housing strategy selected by the municipality, whether one-time or ongoing; and  
254 (B) provide flexibility for the municipality to make adjustments as needed.
- 255 (d) In drafting the land use element, the planning commission shall:
- 256 (i) identify and consider each agriculture protection area within the municipality;  
257 (ii) avoid proposing a use of land within an agriculture protection area that is  
258 inconsistent with or detrimental to the use of the land for agriculture; and
- 259 (iii) consider and coordinate with any station area plans adopted by the municipality if  
260 required under Section [10-9a-403.1](#).
- 261 (e) In drafting the transportation and traffic circulation element, the planning  
262 commission shall:
- 263 (i) (A) consider and coordinate with the regional transportation plan developed by the  
264 municipality's region's metropolitan planning organization, if the municipality is within the  
265 boundaries of a metropolitan planning organization; or  
266 (B) consider and coordinate with the long-range transportation plan developed by the  
267 Department of Transportation, if the municipality is not within the boundaries of a  
268 metropolitan planning organization; and
- 269 (ii) consider and coordinate with any station area plans adopted by the municipality if  
270 required under Section [10-9a-403.1](#).
- 271 (f) In drafting the water use and preservation element, the planning commission:

- 272 (i) shall consider:
  - 273 (A) applicable regional water conservation goals recommended by the Division of
  - 274 Water Resources; and
  - 275 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan
  - 276 pursuant to Section 73-10-32, the municipality's water conservation plan;
- 277 (ii) shall include a recommendation for:
  - 278 (A) water conservation policies to be determined by the municipality; and
  - 279 (B) landscaping options within a public street for current and future development that
  - 280 do not require the use of lawn or turf in a parkstrip;
- 281 (iii) shall review the municipality's land use ordinances and include a recommendation
- 282 for changes to an ordinance that promotes the inefficient use of water;
- 283 (iv) shall consider principles of sustainable landscaping, including the:
  - 284 (A) reduction or limitation of the use of lawn or turf;
  - 285 (B) promotion of site-specific landscape design that decreases stormwater runoff or
  - 286 runoff of water used for irrigation;
  - 287 (C) preservation and use of healthy trees that have a reasonable water requirement or
  - 288 are resistant to dry soil conditions;
  - 289 (D) elimination or regulation of ponds, pools, and other features that promote
  - 290 unnecessary water evaporation;
  - 291 (E) reduction of yard waste; and
  - 292 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
  - 293 optimal amount of water to the plants being irrigated;
- 294 (v) shall consult with the public water system or systems serving the municipality with
- 295 drinking water regarding how implementation of the land use element and water use and
- 296 preservation element may affect:
  - 297 (A) water supply planning, including drinking water source and storage capacity
  - 298 consistent with Section 19-4-114; and

299 (B) water distribution planning, including master plans, infrastructure asset  
300 management programs and plans, infrastructure replacement plans, and impact fee facilities  
301 plans;

302 (vi) may include recommendations for additional water demand reduction strategies,  
303 including:

304 (A) creating a water budget associated with a particular type of development;

305 (B) adopting new or modified lot size, configuration, and landscaping standards that  
306 will reduce water demand for new single family development;

307 (C) providing one or more water reduction incentives for existing development such as  
308 modification of existing landscapes and irrigation systems and installation of water fixtures or  
309 systems that minimize water demand;

310 (D) discouraging incentives for economic development activities that do not adequately  
311 account for water use or do not include strategies for reducing water demand; and

312 (E) adopting water concurrency standards requiring that adequate water supplies and  
313 facilities are or will be in place for new development; and

314 (vii) for a town, may include, and for another municipality, shall include, a  
315 recommendation for low water use landscaping standards for a new:

316 (A) commercial, industrial, or institutional development;

317 (B) common interest community, as defined in Section [57-25-102](#); or

318 (C) multifamily housing project.

319 (3) The proposed general plan may include:

320 (a) an environmental element that addresses:

321 (i) the protection, conservation, development, and use of natural resources, including  
322 the quality of:

323 (A) air;

324 (B) forests;

325 (C) soils;

- 326 (D) rivers;
- 327 (E) groundwater and other waters;
- 328 (F) harbors;
- 329 (G) fisheries;
- 330 (H) wildlife;
- 331 (I) minerals; and
- 332 (J) other natural resources; and
- 333 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 334 of streams and other waters;
- 335 (B) the regulation of the use of land on hillsides, stream channels and other
- 336 environmentally sensitive areas;
- 337 (C) the prevention, control, and correction of the erosion of soils;
- 338 (D) the preservation and enhancement of watersheds and wetlands; and
- 339 (E) the mapping of known geologic hazards;
- 340 (b) a public services and facilities element showing general plans for sewage, water,
- 341 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 342 police and fire protection, and other public services;
- 343 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 344 programs for:
- 345 (i) historic preservation;
- 346 (ii) the diminution or elimination of a development impediment as defined in Section
- 347 [17C-1-102](#); and
- 348 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 349 public building sites;
- 350 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 351 economic development plan, which may include review of existing and projected municipal
- 352 revenue and expenditures, revenue sources, identification of basic and secondary industry,

353 primary and secondary market areas, employment, and retail sales activity;

354 (e) recommendations for implementing all or any portion of the general plan, including  
355 the adoption of land and water use ordinances, capital improvement plans, community  
356 development and promotion, and any other appropriate action;

357 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);  
358 and

359 (g) any other element the municipality considers appropriate.

360 Section 3. Section 10-9a-403.1 is amended to read:

361 **10-9a-403.1. Station area plan requirements -- Contents -- Review and**  
362 **certification by applicable metropolitan planning organization.**

363 (1) As used in this section:

364 (a) "Applicable metropolitan planning organization" means the metropolitan planning  
365 organization that has jurisdiction over the area in which a fixed guideway public transit station  
366 is located.

367 (b) "Applicable public transit district" means the public transit district, as defined in  
368 Section 17B-2a-802, of which a fixed guideway public transit station is included.

369 (c) "Existing fixed guideway public transit station" means a fixed guideway public  
370 transit station for which construction begins before June 1, 2022.

371 (d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

372 (e) "Metropolitan planning organization" means an organization established under 23  
373 U.S.C. Sec. 134.

374 (f) "New fixed guideway public transit station" means a fixed guideway public transit  
375 station for which construction begins on or after June 1, 2022.

376 (g) "Qualifying land use [~~application~~] petition" means a [~~land use application~~] petition:

377 (i) that involves land located within a station area for an existing public transit station  
378 that provides rail services;

379 (ii) that involves land located within a station area for which the municipality has not

380 yet satisfied the requirements of Subsection (2)(a);  
381 (iii) that proposes the development of an area greater than five contiguous acres, with  
382 no less than 51% of the acreage within the station area;  
383 (iv) that would require the municipality to amend the municipality's general plan or  
384 change a zoning designation for the land use application to be approved;  
385 (v) that would require a higher density than the density currently allowed by the  
386 municipality;  
387 (vi) that proposes the construction of new residential units, at least 10% of which are  
388 dedicated to moderate income housing; and  
389 (vii) for which the land use applicant requests the municipality to initiate the process of  
390 satisfying the requirements of Subsection (2)(a) for the station area in which the development  
391 is proposed, subject to Subsection (3)(d).  
392 (h) (i) "Station area" means:  
393 (A) for a fixed guideway public transit station that provides rail services, the area  
394 within a one-half mile radius of the center of the fixed guideway public transit station platform;  
395 or  
396 (B) for a fixed guideway public transit station that provides bus services only, the area  
397 within a one-fourth mile radius of the center of the fixed guideway public transit station  
398 platform.  
399 (ii) "Station area" includes any parcel bisected by the radius limitation described in  
400 Subsection (1)(h)(i)(A) or (B).  
401 (i) "Station area plan" means a plan that:  
402 (i) establishes a vision, and the actions needed to implement that vision, for the  
403 development of land within a station area; and  
404 (ii) is developed and adopted in accordance with this section.  
405 (2) (a) Subject to the requirements of this section, a municipality that has a fixed  
406 guideway public transit station located within the municipality's boundaries shall, for the

407 station area:

- 408 (i) develop and adopt a station area plan; and
- 409 (ii) adopt any appropriate land use regulations to implement the station area plan.

410 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

411 (i) ~~[(A) the municipality has already taken actions to satisfy the requirements of~~  
412 ~~Subsection (2)(a) for a station area, including actions that involve public and stakeholder~~  
413 ~~engagement processes, market assessments, the creation of a station area vision, planning and~~  
414 ~~implementation activities, capital programs, the adoption of land use regulations, or other~~  
415 ~~similar actions; and]~~

416 ~~[(B) the municipality adopts a resolution demonstrating the requirements of Subsection~~  
417 ~~(2)(a) have been satisfied; or]~~

418 (A) the municipality has already adopted plans or ordinances, approved land use  
419 applications, approved agreements or financing, or investments have been made, before June 1,  
420 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station  
421 area, and can demonstrate that such plans, ordinances, approved land use applications,  
422 approved agreements or financing, or investments are still relevant to making meaningful  
423 progress towards achieving such objectives; and

424 (B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a)  
425 have been substantially promoted.

426 (ii) (A) the municipality has determined that conditions exist that make satisfying a  
427 portion or all of the requirements of Subsection (2)(a) for a station area impracticable,  
428 including conditions that relate to existing development, entitlements, land ownership, land  
429 uses that make opportunities for new development and long-term redevelopment infeasible,  
430 environmental limitations, market readiness, development impediment conditions, or other  
431 similar conditions; and

432 (B) the municipality adopts a resolution describing the conditions that exist to make  
433 satisfying the requirements of Subsection (2)(a) impracticable.



434 (c) To the extent that previous actions by a municipality do not satisfy the requirements  
435 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to  
436 satisfy those requirements.

437 (3) (a) A municipality that has a new fixed guideway public transit station located  
438 within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the  
439 station area surrounding the new fixed guideway public transit station before the new fixed  
440 guideway public transit station begins transit services.

441 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing  
442 fixed guideway public transit station located within the municipality's boundaries shall satisfy  
443 the requirements of Subsection (2)(a) for the station area surrounding the existing fixed  
444 guideway public transit station on or before December 31, 2025.

445 (c) If a municipality has more than four existing fixed guideway public transit stations  
446 located within the municipality's boundaries, the municipality shall:

447 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for  
448 four or more station areas located within the municipality; and

449 (ii) on or before December 31 of each year thereafter, satisfy the requirements of  
450 Subsection (2)(a) for no less than two station areas located within the municipality until the  
451 municipality has satisfied the requirements of Subsection (2)(a) for each station area located  
452 within the municipality.

453 (d) (i) Subject to Subsection (3)(d)(ii):

454 (A) if a municipality receives a complete qualifying land use [~~application~~] petition on  
455 or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for  
456 the station area in which the development is proposed on or before July 1, 2023; and

457 (B) if a municipality receives a complete qualifying land use [~~application~~] petition after  
458 July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station  
459 area in which the development is proposed within a 12-month period beginning on the first day  
460 of the month immediately following the month in which the qualifying land use [~~application~~]

461 petition is submitted to the municipality, and shall notify the applicable metropolitan planning  
462 organization of the receipt of the qualified land use petition within 45 days of the date of  
463 receipt.

464 (ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a)  
465 for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

466 (B) If a municipality receives more than two complete qualifying land use  
467 [~~applications~~] petitions on or before July 1, 2022, the municipality shall select two station areas  
468 for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with  
469 Subsection (3)(d)(i)(A).

470 (iii) A municipality shall process on a first priority basis a land use application,  
471 including an application for a building permit, if:

472 (A) the land use application is for a residential use within a station area for which the  
473 municipality has not satisfied the requirements of Subsection (2)(a); and

474 (B) the municipality would be required to change a zoning designation for the land use  
475 application to be approved.

476 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the  
477 requirements of Subsection (2)(a) for a station area may be extended once for a period of 12  
478 months if:

479 (i) the municipality demonstrates to the applicable metropolitan planning organization  
480 that conditions exist that make satisfying the requirements of Subsection (2)(a) within the  
481 required time period infeasible, despite the municipality's good faith efforts; and

482 (ii) the applicable metropolitan planning organization certifies to the municipality in  
483 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

484 (4) (a) Except as provided in Subsection (4)(b), if a station area is included within the  
485 boundaries of more than one municipality, each municipality with jurisdiction over the station  
486 area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over  
487 which the municipality has jurisdiction.

488 (b) Two or more municipalities with jurisdiction over a station area may coordinate to  
489 develop a shared station area plan for the entire station area.

490 (5) A municipality that has more than one fixed guideway public transit station located  
491 within the municipality may, through an integrated process, develop station area plans for  
492 multiple station areas if the station areas are within close proximity of each other.

493 (6) (a) A municipality that is required to develop and adopt a station area plan under  
494 this section may request technical assistance from the applicable metropolitan planning  
495 organization.

496 (b) An applicable metropolitan planning organization that receives funds from the  
497 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the  
498 funds, give priority consideration to requests for technical assistance for station area plans  
499 required under Subsection (3)(d).

500 (7) (a) A station area plan shall promote the following objectives within the station  
501 area:

502 (i) increasing the availability and affordability of housing, including moderate income  
503 housing;

504 (ii) promoting sustainable environmental conditions;

505 (iii) enhancing access to opportunities; and

506 (iv) increasing transportation choices and connections.

507 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may  
508 consider implementing the following actions:

509 (A) aligning the station area plan with the moderate income housing element of the  
510 municipality's general plan;

511 (B) providing for densities necessary to facilitate the development of moderate income  
512 housing;

513 (C) providing for affordable costs of living in connection with housing, transportation,  
514 and parking; or

515 (D) any other similar action that promotes the objective described in Subsection  
516 (7)(a)(i).

517 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may  
518 consider implementing the following actions:

519 (A) conserving water resources through efficient land use;

520 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

521 (C) establishing parks, open spaces, and recreational opportunities; or

522 (D) any other similar action that promotes the objective described in Subsection  
523 (7)(a)(ii).

524 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may  
525 consider the following actions:

526 (A) maintaining and improving the connections between housing, transit, employment,  
527 education, recreation, and commerce;

528 (B) encouraging mixed-use development;

529 (C) enabling employment and educational opportunities within the station area;

530 (D) encouraging and promoting enhanced broadband connectivity; or

531 (E) any other similar action that promotes the objective described in Subsection  
532 (7)(a)(iii).

533 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may  
534 consider the following:

535 (A) supporting investment in infrastructure for all modes of transportation;

536 (B) increasing utilization of public transit;

537 (C) encouraging safe streets through the designation of pedestrian walkways and  
538 bicycle lanes;

539 (D) encouraging manageable and reliable traffic conditions;

540 (E) aligning the station area plan with the regional transportation plan of the applicable  
541 metropolitan planning organization; or

542 (F) any other similar action that promotes the objective described in Subsection  
543 (7)(a)(iv).

544 (8) A station area plan shall include the following components:

545 (a) a station area vision that:

546 (i) is consistent with Subsection (7); and

547 (ii) describes the following:

548 (A) opportunities for the development of land within the station area under existing  
549 conditions;

550 (B) constraints on the development of land within the station area under existing  
551 conditions;

552 (C) the municipality's objectives for the transportation system within the station area  
553 and the future transportation system that meets those objectives;

554 (D) the municipality's objectives for land uses within the station area and the future  
555 land uses that meet those objectives;

556 (E) the municipality's objectives for public and open spaces within the station area and  
557 the future public and open spaces that meet those objectives; and

558 (F) the municipality's objectives for the development of land within the station area and  
559 the future development standards that meet those objectives;

560 (b) a map that depicts:

561 ~~[(i) the area within the municipality that is subject to the station area plan, provided  
562 that the station area plan may apply to areas outside of the station area; and]~~

563 (i) the station area;

564 (ii) the area within the station area to which the station area plan applies, provided that  
565 the station area plan may apply to areas outside the station area, and the station area plan is not  
566 required to apply to the entire station area; and

567 ~~[(ii)]~~ (iii) the area where each action is needed to implement the station area plan;

568 (c) an implementation plan that identifies and describes each action needed within the

569 next five years to implement the station area plan, and the party responsible for taking each  
570 action, including any actions to:

- 571 (i) modify land use regulations;
- 572 (ii) make infrastructure improvements;
- 573 (iii) modify deeds or other relevant legal documents;
- 574 (iv) secure funding or develop funding strategies;
- 575 (v) establish design standards for development within the station area; or
- 576 (vi) provide environmental remediation;

577 (d) a statement that explains how the station area plan promotes the objectives  
578 described in Subsection (7)(a); and

579 (e) as an alternative or supplement to the requirements of Subsection (7) or this  
580 Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any  
581 conditions that would make the following impracticable:

- 582 (i) promoting the objectives described in Subsection (7)(a); or
- 583 (ii) satisfying the requirements of this Subsection (8).

584 (9) A municipality shall develop a station area plan with the involvement of all  
585 relevant stakeholders that have an interest in the station area through public outreach and  
586 community engagement, including:

- 587 (a) other impacted communities;
- 588 (b) the applicable public transit district;
- 589 (c) the applicable metropolitan planning organization;
- 590 (d) the Department of Transportation;
- 591 (e) owners of property within the station area; and
- 592 (f) the municipality's residents and business owners.

593 (10) (a) A municipality that is required to develop and adopt a station area plan for a  
594 station area under this section shall submit to the applicable metropolitan planning organization  
595 and the applicable public transit district documentation evidencing that the municipality has

596 satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

597 (i) a station area plan; or

598 (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

599 (b) The applicable metropolitan planning organization, in consultation with the  
600 applicable public transit district, shall:

601 (i) review the documentation submitted under Subsection (10)(a) to determine the  
602 municipality's compliance with this section; and

603 (ii) provide written certification to the municipality if the applicable metropolitan  
604 planning organization determines that the municipality has satisfied the requirement of  
605 Subsection (2)(a)(i) for the station area.

606 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)  
607 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

608 Section 4. Section **17B-2a-808.2** is amended to read:

609 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**  
610 **duties.**

611 (1) A large public transit district shall create and consult with a local advisory council.

612 (2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local  
613 advisory council shall have membership selected as described in Subsection (2)(b).

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

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

620 (b) (i) The council of governments of Salt Lake County shall appoint three members to  
621 the local advisory council.

622 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory

623 council.

624 (iii) The council of governments of Utah County shall appoint two members to the  
625 local advisory council.

626 (iv) The council of governments of Davis County and Weber County shall each appoint  
627 one member to the local advisory council.

628 (v) The councils of governments of Box Elder County and Tooele County shall jointly  
629 appoint one member to the local advisory council.

630 (3) The local advisory council shall meet at least quarterly in a meeting open to the  
631 public for comment to discuss the service, operations, and any concerns with the public transit  
632 district operations and functionality.

633 (4) (a) The duties of the local advisory council shall include:

634 ~~[(a)]~~ (i) setting the compensation packages of the board of trustees, which salary,  
635 except as provided in Subsection (4)(b), may not exceed \$150,000 for a newly appointed board  
636 member, plus additional retirement and other standard benefits;

637 ~~[(b)]~~ (ii) reviewing, approving, and recommending final adoption by the board of  
638 trustees of the large public transit district service plans at least every two and one-half years;

639 ~~[(c)]~~ (iii) except for a fixed guideway capital development project under the authority  
640 of the Department of Transportation as described in Section [72-1-202](#), reviewing, approving,  
641 and recommending final adoption by the board of trustees of project development plans,  
642 including funding, of all new capital development projects;

643 ~~[(d)]~~ (iv) reviewing, approving, and recommending final adoption by the board of  
644 trustees of any plan for a transit-oriented development where a large public transit district is  
645 involved;

646 ~~[(e)]~~ (v) at least annually, engaging with the safety and security team of the large public  
647 transit district to ensure coordination with local municipalities and counties;

648 ~~[(f)]~~ (vi) assisting with coordinated mobility and constituent services provided by the  
649 public transit district;



650            [~~(g)~~] (vii) representing and advocating the concerns of citizens within the public transit  
651 district to the board of trustees; and

652            [~~(h)~~] (viii) other duties described in Section 17B-2a-808.1.

653            (b) The local advisory council may approve an increase in the compensation for  
654 members of the board of trustees based on a cost-of-living adjustment at the same rate as  
655 government employees of the state for the same year.

656            (5) The local advisory council shall meet at least quarterly with and consult with the  
657 board of trustees and advise regarding the operation and management of the public transit  
658 district.

659            Section 5. Section 20A-7-601 is amended to read:

660            **20A-7-601. Referenda -- General signature requirements -- Signature**  
661 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**  
662 **Time requirements.**

663            (1) As used in this section:

664            (a) "Number of active voters" means the number of active voters in the county, city, or  
665 town on the immediately preceding January 1.

666            (b) "Qualifying county" means a county that has created a small public transit district,  
667 as defined in Section 17B-2a-802, on or before January 1, 2022.

668            (c) "Qualifying transit area" means:

669            (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with  
670 jurisdiction over the station area has satisfied the requirements of Subsection  
671 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under  
672 Subsection 10-9a-403.1(2); or

673            (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
674 within a qualifying county.

675            (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
676 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

677 (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by a  
678 local legislative body that imposes a tax or other payment obligation on property in an area that  
679 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,  
680 or metro township.

681 (ii) "Subjurisdictional law" does not include a land use law.

682 (f) "Transit area land use law" means a land use law that relates to the use of land  
683 within a qualifying transit area.

684 (g) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)  
685 or (2)(b).

686 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have  
687 a local law passed by the local legislative body submitted to a vote of the people shall obtain  
688 legal signatures equal to:

689 (a) for a county of the first class:

690 (i) 7.75% of the number of active voters in the county; and

691 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%  
692 of the county's voter participation areas;

693 (b) for a metro township with a population of 100,000 or more, or a city of the first  
694 class:

695 (i) 7.5% of the number of active voters in the metro township or city; and

696 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
697 of the metro township's or city's voter participation areas;

698 (c) for a county of the second class:

699 (i) 8% of the number of active voters in the county; and

700 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of  
701 the county's voter participation areas;

702 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
703 a city of the second class:

- 704 (i) 8.25% of the number of active voters in the metro township or city; and  
705 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%  
706 of the metro township's or city's voter participation areas;
- 707 (e) for a county of the third class:
- 708 (i) 9.5% of the number of active voters in the county; and  
709 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%  
710 of the county's voter participation areas;
- 711 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a  
712 city of the third class:
- 713 (i) 10% of the number of active voters in the metro township or city; and  
714 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%  
715 of the metro township's or city's voter participation areas;
- 716 (g) for a county of the fourth class:
- 717 (i) 11.5% of the number of active voters in the county; and  
718 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
719 of the county's voter participation areas;
- 720 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
721 city of the fourth class:
- 722 (i) 11.5% of the number of active voters in the metro township or city; and  
723 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%  
724 of the metro township's or city's voter participation areas;
- 725 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city  
726 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro  
727 township, city, or county; or
- 728 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
729 sixth class, 35% of the number of active voters in the metro township, town, or county.
- 730 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land

731 use law or local obligation law passed by the local legislative body submitted to a vote of the  
732 people shall obtain legal signatures equal to:

733 (a) for a county of the first, second, third, or fourth class:

734 (i) 16% of the number of active voters in the county; and

735 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
736 of the county's voter participation areas;

737 (b) for a county of the fifth or sixth class:

738 (i) 16% of the number of active voters in the county; and

739 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
740 of the county's voter participation areas;

741 (c) for a metro township with a population of 100,000 or more, or a city of the first  
742 class:

743 (i) 15% of the number of active voters in the metro township or city; and

744 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%  
745 of the metro township's or city's voter participation areas;

746 (d) for a metro township with a population of 65,000 or more but less than 100,000, or  
747 a city of the second class:

748 (i) 16% of the number of active voters in the metro township or city; and

749 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%  
750 of the metro township's or city's voter participation areas;

751 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a  
752 city of the third class:

753 (i) 27.5% of the number of active voters in the metro township or city; and

754 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%  
755 of the metro township's or city's voter participation areas;

756 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a  
757 city of the fourth class:

- 758 (i) 29% of the number of active voters in the metro township or city; and  
759 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%  
760 of the metro township's or city's voter participation areas;
- 761 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a  
762 city of the fifth class, 35% of the number of active voters in the metro township or city; or  
763 (h) for a metro township with a population of less than 1,000 or a town, 40% of the  
764 number of active voters in the metro township or town.
- 765 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
766 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
767 subjurisdiction equal to:
- 768 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
769 voters exceeds 25,000;
- 770 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of  
771 active voters does not exceed 25,000 but is more than 10,000;
- 772 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
773 voters does not exceed 10,000 but is more than 2,500;
- 774 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
775 voters does not exceed 2,500 but is more than 500;
- 776 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
777 voters does not exceed 500 but is more than 250; and
- 778 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
779 voters does not exceed 250.
- 780 (5) An eligible voter seeking to have a transit area land use law passed by the local  
781 legislative body submitted to a vote of the people shall obtain legal signatures equal to:
- 782 (a) for a county:
- 783 (i) 20% of the number of active voters in the county; and  
784 (ii) 21% of the number of active voters in at least 75% of the county's voter

785 participation areas;

786 (b) for a metro township with a population of 100,000 or more, or a city of the first  
787 class:

788 (i) 20% of the number of active voters in the metro township or city; and

789 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's  
790 voter participation areas;

791 (c) for a metro township with a population of 65,000 or more but less than 100,000, or  
792 a city of the second class:

793 (i) 20% of the number of active voters in the metro township or city; and

794 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's  
795 voter participation areas;

796 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a  
797 city of the third class:

798 (i) 34% of the number of active voters in the metro township or city; and

799 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's  
800 voter participation areas;

801 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a  
802 city of the fourth class:

803 (i) 36% of the number of active voters in the metro township or city; and

804 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's  
805 voter participation areas; or

806 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a  
807 town, 40% of the number of active voters in the metro township, city, or town.

808 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or  
809 (5), any local law passed by a local legislative body shall file the application before 5 p.m.

810 within seven days after the day on which the local law was passed.

811 (7) Nothing in this section authorizes a local legislative body to impose a tax or other

812 payment obligation on a jurisdiction in order to benefit an area outside of the  
813 jurisdiction.

814 Section 6. Section **41-1a-416** is amended to read:

815 **41-1a-416. Original issue license plates -- Alternative stickers -- Rulemaking.**

816 (1) The owner of a motor vehicle that is a model year 1973 or older may apply to the  
817 division for permission to display an original issue license plate of a format and type issued by  
818 the state in the same year as the model year of the vehicle.

819 (2) The owner of a motor vehicle who desires to display original issue license plates  
820 instead of license plates issued under Section [41-1a-401](#) shall:

821 (a) complete an application on a form provided by the division;

822 (b) supply and submit the original license plates that the owner desires to display to the  
823 division for approval; and

824 (c) pay the fees prescribed in Sections [41-1a-1206](#) and [41-1a-1211](#).

825 (3) The division, prior to approval of an application under this section, shall determine  
826 that the original issue license plates:

827 (a) are of a format and type issued by the state for use on a motor vehicle in this state;

828 (b) have numbers and characters that are unique and do not conflict with existing  
829 license plate series in this state;

830 (c) are legible, durable, and otherwise in a condition that serves the purposes of this  
831 chapter, except that original issue license plates are exempt from the provision of Section  
832 [41-1a-401](#) regarding reflectorization and Section [41-1a-403](#) regarding legibility from 100 feet;  
833 and

834 (d) are from the same year of issue as the model year of the motor vehicle on which  
835 they are to be displayed.

836 (4) (a) An owner of a motor vehicle displaying original issue license plates approved  
837 under this section is not exempt from any other requirement of this chapter except as specified  
838 under this section.

839 (b) Notwithstanding Subsection (4)(a), if a motor vehicle displaying an original issue  
840 license plate is also a vintage vehicle as defined in Section 41-21-1, the motor vehicle qualifies  
841 for the same exemptions as a vintage vehicle.

842 (5) (a) An owner of a motor vehicle currently registered in this state whose original  
843 issue license plates are not approved by the division because of the requirement in Subsection  
844 (3)(b) may apply to the division for a sticker to allow the temporary display of the original  
845 issue license plates if:

846 (i) the plates otherwise comply with this section;

847 (ii) the plates are only displayed when the motor vehicle is used for participating in  
848 motor vehicle club activities, exhibitions, tours, parades, and similar activities and are not used  
849 for general daily transportation;

850 (iii) the license plates and registration issued under this chapter for normal use of the  
851 motor vehicle on the highways of this state are kept in the motor vehicle and shown to a peace  
852 officer on request; and

853 (iv) the sticker issued by the division under this subsection is properly affixed to the  
854 face of the original issue license plate.

855 (b) The sticker issued under this section shall be the size and form customarily  
856 furnished by the division.

857 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
858 division may make rules for the implementation of this section.

859 Section 7. Section **41-1a-1201** is amended to read:

860 **41-1a-1201. Disposition of fees.**

861 (1) All fees received and collected under this part shall be transmitted daily to the state  
862 treasurer.

863 (2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections [41-1a-422](#),  
864 [41-1a-1205](#), [41-1a-1220](#), [41-1a-1221](#), [41-1a-1222](#), and [41-1a-1223](#) all fees collected under this  
865 part shall be deposited into the Transportation Fund.



866 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and  
867 Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing  
868 license plates under Part 4, License Plates and Registration Indicia.

869 (4) In accordance with Section 63J-1-602.2, all funds available to the commission for  
870 the purchase and distribution of license plates and decals are nonlapsing.

871 (5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the  
872 expenses of the commission in enforcing and administering this part shall be provided for by  
873 legislative appropriation from the revenues of the Transportation Fund.

874 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)  
875 and (b) for each vehicle registered for a six-month registration period under Section  
876 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and  
877 administering this part.

878 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for  
879 each vintage vehicle that has a model year of 1981 or newer may be used by the commission to  
880 cover the costs incurred in enforcing and administering this part.

881 (6) (a) The following portions of the registration fees imposed under Section  
882 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of  
883 2005 created under Section 72-2-124:

884 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),  
885 (1)(f), (4), and (7);

886 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and  
887 (1)(c)(ii);

888 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

889 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

890 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

891 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

892 (b) The following portions of the registration fees collected for each vehicle registered

893 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the  
894 Transportation Investment Fund of 2005 created by Section 72-2-124:

895 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

896 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

897 (7) (a) Ninety-four cents of each registration fee imposed under Subsections  
898 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted  
899 Account created in Section 53-3-106.

900 (b) Seventy-one cents of each registration fee imposed under Subsections  
901 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under  
902 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in  
903 Section 53-3-106.

904 (8) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)  
905 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted  
906 Account created in Section 53-8-214.

907 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)  
908 and (b) for each vehicle registered for a six-month registration period under Section  
909 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account  
910 created in Section 53-8-214.

911 (9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for  
912 each motorcycle shall be deposited into the Spinal Cord and Brain Injury Rehabilitation Fund  
913 created in Section 26-54-102.

914 Section 8. Section 41-6a-102 is amended to read:

915 **41-6a-102. Definitions.**

916 As used in this chapter:

917 (1) "Alley" means a street or highway intended to provide access to the rear or side of  
918 lots or buildings in urban districts and not intended for through vehicular traffic.

919 (2) "All-terrain type I vehicle" means the same as that term is defined in Section

920 41-22-2.

921 (3) "Authorized emergency vehicle" includes:

922 (a) fire department vehicles;

923 (b) police vehicles;

924 (c) ambulances; and

925 (d) other publicly or privately owned vehicles as designated by the commissioner of the

926 Department of Public Safety.

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

928 (5) (a) "Bicycle" means a wheeled vehicle:

929 (i) propelled by human power by feet or hands acting upon pedals or cranks;

930 (ii) with a seat or saddle designed for the use of the operator;

931 (iii) designed to be operated on the ground; and

932 (iv) whose wheels are not less than 14 inches in diameter.

933 (b) "Bicycle" includes an electric assisted bicycle.

934 (c) "Bicycle" does not include scooters and similar devices.

935 (6) (a) "Bus" means a motor vehicle:

936 (i) designed for carrying more than 15 passengers and used for the transportation of

937 persons; or

938 (ii) designed and used for the transportation of persons for compensation.

939 (b) "Bus" does not include a taxicab.

940 (7) (a) "Circular intersection" means an intersection that has an island, generally

941 circular in design, located in the center of the intersection where traffic passes to the right of

942 the island.

943 (b) "Circular intersection" includes:

944 (i) roundabouts;

945 (ii) rotaries; and

946 (iii) traffic circles.

947 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in  
948 Subsection [~~(17)(d)(i)~~] (18)(d)(i).

949 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in  
950 Subsection [~~(17)(d)(ii)~~] (18)(d)(ii).

951 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in  
952 Subsection [~~(17)(d)(iii)~~] (18)(d)(iii).

953 (11) "Commissioner" means the commissioner of the Department of Public Safety.

954 (12) "Controlled-access highway" means a highway, street, or roadway:

955 (a) designed primarily for through traffic; and

956 (b) to or from which owners or occupants of abutting lands and other persons have no  
957 legal right of access, except at points as determined by the highway authority having  
958 jurisdiction over the highway, street, or roadway.

959 (13) "Crosswalk" means:

960 (a) that part of a roadway at an intersection included within the connections of the  
961 lateral lines of the sidewalks on opposite sides of the highway measured from:

962 (i) (A) the curbs; or

963 (B) in the absence of curbs, from the edges of the traversable roadway; and

964 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway  
965 included within the extension of the lateral lines of the existing sidewalk at right angles to the  
966 centerline; or

967 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for  
968 pedestrian crossing by lines or other markings on the surface.

969 (14) "Department" means the Department of Public Safety.

970 (15) "Direct supervision" means oversight at a distance within which:

971 (a) visual contact is maintained; and

972 (b) advice and assistance can be given and received.

973 (16) "Divided highway" means a highway divided into two or more roadways by:

- 974 (a) an unpaved intervening space;
- 975 (b) a physical barrier; or
- 976 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 977 (17) "Echelon formation" means the operation of two or more snowplows arranged
- 978 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
- 979 from two or more lanes at once.

980 [~~(17)~~] (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

- 981 (a) has a power output of not more than 750 watts;
- 982 (b) has fully operable pedals on permanently affixed cranks;
- 983 (c) is fully operable as a bicycle without the use of the electric motor; and
- 984 (d) is one of the following:
  - 985 (i) an electric assisted bicycle equipped with a motor or electronics that:
    - 986 (A) provides assistance only when the rider is pedaling; and
    - 987 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
    - 988 hour;
  - 989 (ii) an electric assisted bicycle equipped with a motor or electronics that:
    - 990 (A) may be used exclusively to propel the bicycle; and
    - 991 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
    - 992 miles per hour; or
  - 993 (iii) an electric assisted bicycle equipped with a motor or electronics that:
    - 994 (A) provides assistance only when the rider is pedaling;
    - 995 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
    - 996 hour; and
    - 997 (C) is equipped with a speedometer.

998 [~~(18)~~] (19) (a) "Electric personal assistive mobility device" means a self-balancing

999 device with:

- 1000 (i) two nontandem wheels in contact with the ground;

- 1001 (ii) a system capable of steering and stopping the unit under typical operating
- 1002 conditions;
- 1003 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 1004 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 1005 (v) a deck design for a person to stand while operating the device.

1006 (b) "Electric personal assistive mobility device" does not include a wheelchair.

1007 [~~19~~] (20) "Explosives" means a chemical compound or mechanical mixture  
1008 commonly used or intended for the purpose of producing an explosion and that contains any  
1009 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so  
1010 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the  
1011 compound or mixture may cause a sudden generation of highly heated gases, and the resultant  
1012 gaseous pressures are capable of producing destructive effects on contiguous objects or of  
1013 causing death or serious bodily injury.

1014 [~~20~~] (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm  
1015 implement, for drawing plows, mowing machines, and other implements of husbandry.

1016 [~~21~~] (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or  
1017 less, as determined by a Tagliabue or equivalent closed-cup test device.

1018 [~~22~~] (23) "Freeway" means a controlled-access highway that is part of the interstate  
1019 system as defined in Section [72-1-102](#).

1020 [~~23~~] (24) (a) "Golf cart" means a device that:

- 1021 (i) is designed for transportation by players on a golf course;
- 1022 (ii) has not less than three wheels in contact with the ground;
- 1023 (iii) has an unladen weight of less than 1,800 pounds;
- 1024 (iv) is designed to operate at low speeds; and
- 1025 (v) is designed to carry not more than six persons including the driver.

1026 (b) "Golf cart" does not include:

- 1027 (i) a low-speed vehicle or an off-highway vehicle;

- 1028 (ii) a motorized wheelchair;
- 1029 (iii) an electric personal assistive mobility device;
- 1030 (iv) an electric assisted bicycle;
- 1031 (v) a motor assisted scooter;
- 1032 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 1033 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1034 [~~24~~] (25) "Gore area" means the area delineated by two solid white lines that is
- 1035 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
- 1036 lane including similar areas between merging or splitting highways.
- 1037 [~~25~~] (26) "Gross weight" means the weight of a vehicle without a load plus the
- 1038 weight of any load on the vehicle.
- 1039 [~~26~~] (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 1040 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 1041 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 1042 highway or railroad tracks.
- 1043 [~~27~~] (28) "Highway" means the entire width between property lines of every way or
- 1044 place of any nature when any part of it is open to the use of the public as a matter of right for
- 1045 vehicular travel.
- 1046 [~~28~~] (29) "Highway authority" means the same as that term is defined in Section
- 1047 72-1-102.
- 1048 [~~29~~] (30) (a) "Intersection" means the area embraced within the prolongation or
- 1049 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
- 1050 of two or more highways that join one another.
- 1051 (b) Where a highway includes two roadways 30 feet or more apart:
- 1052 (i) every crossing of each roadway of the divided highway by an intersecting highway
- 1053 is a separate intersection; and
- 1054 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then

1055 every crossing of two roadways of the highways is a separate intersection.

1056 (c) "Intersection" does not include the junction of an alley with a street or highway.

1057 ~~[(30)]~~ (31) "Island" means an area between traffic lanes or at an intersection for control  
1058 of vehicle movements or for pedestrian refuge designated by:

1059 (a) pavement markings, which may include an area designated by two solid yellow  
1060 lines surrounding the perimeter of the area;

1061 (b) channelizing devices;

1062 (c) curbs;

1063 (d) pavement edges; or

1064 (e) other devices.

1065 ~~[(31)]~~ (32) "Lane filtering" means, when operating a motorcycle other than an  
1066 autocycle, the act of overtaking and passing another vehicle that is stopped in the same  
1067 direction of travel in the same lane.

1068 ~~[(32)]~~ (33) "Law enforcement agency" means the same as that term is as defined in  
1069 Section [53-1-102](#).

1070 ~~[(33)]~~ (34) "Limited access highway" means a highway:

1071 (a) that is designated specifically for through traffic; and

1072 (b) over, from, or to which neither owners nor occupants of abutting lands nor other  
1073 persons have any right or easement, or have only a limited right or easement of access, light,  
1074 air, or view.

1075 ~~[(34)]~~ (35) "Local highway authority" means the legislative, executive, or governing  
1076 body of a county, municipal, or other local board or body having authority to enact laws  
1077 relating to traffic under the constitution and laws of the state.

1078 ~~[(35)]~~ (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

1079 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

1080 (ii) has a capacity of not more than six passengers, including a conventional driver or  
1081 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).



- 1082 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 1083 [~~(36)~~] (37) "Metal tire" means a tire, the surface of which in contact with the highway
- 1084 is wholly or partly of metal or other hard nonresilient material.
- 1085 [~~(37)~~] (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
- 1086 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
- 1087 properly inflated tires.
- 1088 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 1089 (c) "Mini-motorcycle" does not include a motorcycle that is:
- 1090 (i) designed for off-highway use; and
- 1091 (ii) registered as an off-highway vehicle under Section [41-22-3](#).
- 1092 [~~(38)~~] (39) "Mobile home" means:
- 1093 (a) a trailer or semitrailer that is:
- 1094 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
- 1095 place either permanently or temporarily; and
- 1096 (ii) equipped for use as a conveyance on streets and highways; or
- 1097 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
- 1098 constructed for use as a mobile home, as defined in Subsection [~~(38)~~] (39)(a), but that is
- 1099 instead used permanently or temporarily for:
- 1100 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 1101 (ii) any other commercial purpose except the transportation of property for hire or the
- 1102 transportation of property for distribution by a private carrier.
- 1103 [~~(39)~~] (40) "Mobility disability" means the inability of a person to use one or more of
- 1104 the person's extremities or difficulty with motor skills, that may include limitations with
- 1105 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
- 1106 condition.
- 1107 [~~(40)~~] (41) (a) "Moped" means a motor-driven cycle having:
- 1108 (i) pedals to permit propulsion by human power; and

- 1109 (ii) a motor that:
- 1110 (A) produces not more than two brake horsepower; and
- 1111 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
- 1112 level ground.
- 1113 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
- 1114 centimeters and the moped shall have a power drive system that functions directly or
- 1115 automatically without clutching or shifting by the operator after the drive system is engaged.
- 1116 (c) "Moped" does not include:
- 1117 (i) an electric assisted bicycle; or
- 1118 (ii) a motor assisted scooter.
- 1119 ~~[(41)]~~ (42) (a) "Motor assisted scooter" means a self-propelled device with:
- 1120 (i) at least two wheels in contact with the ground;
- 1121 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 1122 (iii) an electric motor not exceeding 2,000 watts;
- 1123 (iv) either:
- 1124 (A) handlebars and a deck design for a person to stand while operating the device; or
- 1125 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
- 1126 the device;
- 1127 (v) a design for the ability to be propelled by human power alone; and
- 1128 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 1129 (b) "Motor assisted scooter" does not include:
- 1130 (i) an electric assisted bicycle; or
- 1131 (ii) a motor-driven cycle.
- 1132 ~~[(42)]~~ (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
- 1133 is propelled by electric power obtained from overhead trolley wires, but not operated upon
- 1134 rails.
- 1135 (b) "Motor vehicle" does not include:

- 1136 (i) vehicles moved solely by human power;
- 1137 (ii) motorized wheelchairs;
- 1138 (iii) an electric personal assistive mobility device;
- 1139 (iv) an electric assisted bicycle;
- 1140 (v) a motor assisted scooter;
- 1141 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 1142 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 1143 [~~43~~] (44) "Motorcycle" means:
- 1144 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 1145 and designed to travel with not more than three wheels in contact with the ground; or
- 1146 (b) an auticycle.
- 1147 [~~44~~] (45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 1148 bicycle having:
- 1149 (i) an engine with less than 150 cubic centimeters displacement; or
- 1150 (ii) a motor that produces not more than five horsepower.
- 1151 (b) "Motor-driven cycle" does not include:
- 1152 (i) an electric personal assistive mobility device;
- 1153 (ii) a motor assisted scooter; or
- 1154 (iii) an electric assisted bicycle.
- 1155 [~~45~~] (46) "Off-highway implement of husbandry" means the same as that term is
- 1156 defined under Section 41-22-2.
- 1157 [~~46~~] (47) "Off-highway vehicle" means the same as that term is defined under Section
- 1158 41-22-2.
- 1159 [~~47~~] (48) "Operate" means the same as that term is defined in Section 41-1a-102.
- 1160 [~~48~~] (49) "Operator" means:
- 1161 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 1162 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a

1163 vehicle.

1164           ~~[(49)]~~ (50) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling  
1165 stock, or other device operated, alone or coupled with another device, on stationary rails.

1166           ~~[(50)]~~ (51) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle  
1167 is occupied or not.

1168           (b) "Park" or "parking" does not include:

1169           (i) the standing of a vehicle temporarily for the purpose of and while actually engaged  
1170 in loading or unloading property or passengers; or

1171           (ii) a motor vehicle with an engaged automated driving system that has achieved a  
1172 minimal risk condition, as those terms are defined in Section [41-26-102.1](#).

1173           ~~[(51)]~~ (52) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,  
1174 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of  
1175 traffic laws.

1176           ~~[(52)]~~ (53) "Pedestrian" means a person traveling:

1177           (a) on foot; or

1178           (b) in a wheelchair.

1179           ~~[(53)]~~ (54) "Pedestrian traffic-control signal" means a traffic-control signal used to  
1180 regulate pedestrians.

1181           ~~[(54)]~~ (55) "Person" means a natural person, firm, copartnership, association,  
1182 corporation, business trust, estate, trust, partnership, limited liability company, association,  
1183 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

1184           ~~[(55)]~~ (56) "Pole trailer" means a vehicle without motive power:

1185           (a) designed to be drawn by another vehicle and attached to the towing vehicle by  
1186 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

1187           (b) that is ordinarily used for transporting long or irregular shaped loads including  
1188 poles, pipes, or structural members generally capable of sustaining themselves as beams  
1189 between the supporting connections.

1190           ~~[(56)]~~ (57) "Private road or driveway" means every way or place in private ownership  
1191 and used for vehicular travel by the owner and those having express or implied permission  
1192 from the owner, but not by other persons.

1193           ~~[(57)]~~ (58) "Railroad" means a carrier of persons or property upon cars operated on  
1194 stationary rails.

1195           ~~[(58)]~~ (59) "Railroad sign or signal" means a sign, signal, or device erected by  
1196 authority of a public body or official or by a railroad and intended to give notice of the presence  
1197 of railroad tracks or the approach of a railroad train.

1198           ~~[(59)]~~ (60) "Railroad train" means a locomotive propelled by any form of energy,  
1199 coupled with or operated without cars, and operated upon rails.

1200           ~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a  
1201 lawful manner in preference to another vehicle or pedestrian approaching under circumstances  
1202 of direction, speed, and proximity that give rise to danger of collision unless one grants  
1203 precedence to the other.

1204           ~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or  
1205 ordinarily used for vehicular travel.

1206           (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of  
1207 them are used by persons riding bicycles or other human-powered vehicles.

1208           (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if  
1209 a highway includes two or more separate roadways.

1210           ~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway  
1211 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate  
1212 signs as to be plainly visible at all times while set apart as a safety zone.

1213           ~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

1214           (i) complies with the color and identification requirements of the most recent edition of  
1215 "Minimum Standards for School Buses"; and

1216           (ii) is used to transport school children to or from school or school activities.

1217 (b) "School bus" does not include a vehicle operated by a common carrier in  
1218 transportation of school children to or from school or school activities.

1219 ~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

1220 (i) designed for carrying persons or property and for being drawn by a motor vehicle;  
1221 and

1222 (ii) constructed so that some part of its weight and that of its load rests on or is carried  
1223 by another vehicle.

1224 (b) "Semitrailer" does not include a pole trailer.

1225 ~~[(65)]~~ (66) "Shoulder area" means:

1226 (a) that area of the hard-surfaced highway separated from the roadway by a pavement  
1227 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";  
1228 or

1229 (b) that portion of the road contiguous to the roadway for accommodation of stopped  
1230 vehicles, for emergency use, and for lateral support.

1231 ~~[(66)]~~ (67) "Sidewalk" means that portion of a street between the curb lines, or the  
1232 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

1233 ~~[(67)]~~ (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt  
1234 that is designated for the use of a bicycle.

1235 (b) "Soft-surface trail" does not mean a trail:

1236 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a  
1237 federal law, regulation, or rule; or

1238 (ii) located in whole or in part on land granted to the state or a political subdivision  
1239 subject to a conservation easement that prohibits the use of a motorized vehicle.

1240 ~~[(68)]~~ (69) "Solid rubber tire" means a tire of rubber or other resilient material that  
1241 does not depend on compressed air for the support of the load.

1242 ~~[(69)]~~ (70) "Stand" or "standing" means the temporary halting of a vehicle, whether  
1243 occupied or not, for the purpose of and while actually engaged in receiving or discharging

1244 passengers.

1245 ~~[(70)]~~ (71) "Stop" when required means complete cessation from movement.

1246 ~~[(71)]~~ (72) "Stop" or "stopping" when prohibited means any halting even momentarily  
1247 of a vehicle, whether occupied or not, except when:

1248 (a) necessary to avoid conflict with other traffic; or

1249 (b) in compliance with the directions of a peace officer or traffic-control device.

1250 ~~[(72)]~~ (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain  
1251 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet  
1252 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with  
1253 Section 41-6a-1509.

1254 ~~[(73)]~~ (74) "Tow truck operator" means the same as that term is defined in Section  
1255 72-9-102.

1256 ~~[(74)]~~ (75) "Tow truck motor carrier" means the same as that term is defined in Section  
1257 72-9-102.

1258 ~~[(75)]~~ (76) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
1259 conveyances either singly or together while using any highway for the purpose of travel.

1260 ~~[(76)]~~ (77) "Traffic signal preemption device" means an instrument or mechanism  
1261 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

1262 ~~[(77)]~~ (78) "Traffic-control device" means a sign, signal, marking, or device not  
1263 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
1264 regulating, warning, or guiding traffic.

1265 ~~[(78)]~~ (79) "Traffic-control signal" means a device, whether manually, electrically, or  
1266 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

1267 ~~[(79)]~~ (80) (a) "Trailer" means a vehicle with or without motive power designed for  
1268 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
1269 part of its weight rests upon the towing vehicle.

1270 (b) "Trailer" does not include a pole trailer.

1271            [~~(80)~~] (81) "Truck" means a motor vehicle designed, used, or maintained primarily for  
1272 the transportation of property.

1273            [~~(81)~~] (82) "Truck tractor" means a motor vehicle:

1274            (a) designed and used primarily for drawing other vehicles; and

1275            (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck  
1276 tractor.

1277            [~~(82)~~] (83) "Two-way left turn lane" means a lane:

1278            (a) provided for vehicle operators making left turns in either direction;

1279            (b) that is not used for passing, overtaking, or through travel; and

1280            (c) that has been indicated by a lane traffic-control device that may include lane  
1281 markings.

1282            [~~(83)~~] (84) "Urban district" means the territory contiguous to and including any street,  
1283 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
1284 less than 100 feet, for a distance of a quarter of a mile or more.

1285            [~~(84)~~] (85) "Vehicle" means a device in, on, or by which a person or property is or may  
1286 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
1287 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

1288            Section 9. Section **41-6a-704** is amended to read:

1289            **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

1290            (1) (a) [~~On~~] Except as provided in Section [41-6a-718](#), on any highway:

1291            (i) the operator of a vehicle overtaking another vehicle proceeding in the same  
1292 direction shall:

1293            (A) except as provided under Section [41-6a-705](#), promptly pass the overtaken vehicle  
1294 on the left at a safe distance; and

1295            (B) enter a right-hand lane or the right side of the roadway only when safely clear of  
1296 the overtaken vehicle;

1297            (ii) the operator of an overtaken vehicle:



1298 (A) shall give way to the right in favor of the overtaking vehicle; and  
1299 (B) may not increase the speed of the vehicle until completely passed by the overtaking  
1300 vehicle.

1301 (b) The exemption from the minimum speed regulations for a vehicle operating on a  
1302 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as  
1303 required under Subsection (1)(a)(i)(A).

1304 (2) On a highway having more than one lane in the same direction, the operator of a  
1305 vehicle traveling in the left general purpose lane:

1306 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the  
1307 overtaking vehicle by moving safely to a lane to the right; and

1308 (b) may not impede the movement or free flow of traffic in the left general purpose  
1309 lane.

1310 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle  
1311 following directly behind the operator's vehicle at a distance so that less than two seconds  
1312 elapse before reaching the location of the operator's vehicle when space is available for the  
1313 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie  
1314 evidence that the operator is violating Subsection (2).

1315 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling  
1316 in the left general purpose lane when:

1317 (a) overtaking and passing another vehicle proceeding in the same direction in  
1318 accordance with Subsection (1)(a)(i);

1319 (b) preparing to turn left or taking a different highway or an exit on the left;

1320 (c) responding to emergency conditions;

1321 (d) avoiding actual or potential traffic moving onto the highway from an acceleration  
1322 or merging lane; or

1323 (e) following the direction of a traffic-control device that directs the use of a designated  
1324 lane.

1325 (5) An individual may engage in lane filtering only when the following conditions  
1326 exist:

1327 (a) the individual is operating a motorcycle;

1328 (b) the individual is on a roadway divided into two or more adjacent traffic lanes in the  
1329 same direction of travel;

1330 (c) the individual is on a roadway with a speed limit of 45 miles per hour or less;

1331 (d) the vehicle being overtaken in the same lane is stopped;

1332 (e) the motorcycle is traveling at a speed of 15 miles per hour or less; and

1333 (f) the movement may be made safely.

1334 (6) A violation of Subsection (1), (2), or (5) is an infraction.

1335 Section 10. Section **41-6a-705** is amended to read:

1336 **41-6a-705. Passing on right -- When permissible.**

1337 (1) ~~[The]~~ Subject to Section [41-6a-718](#), the operator of a vehicle may overtake and  
1338 pass on the right of another vehicle only:

1339 (a) when the vehicle overtaken is making or preparing to make a left turn; or

1340 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines  
1341 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

1342 (2) The operator of a vehicle may overtake and pass another vehicle on the right only  
1343 under conditions permitting the movement with safety.

1344 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake  
1345 and pass another vehicle if the movement is made by driving off the roadway.

1346 (4) A violation of this section is an infraction.

1347 Section 11. Section **41-6a-718** is enacted to read:

1348 **41-6a-718. Operation of a snowplow -- Approaching a snowplow -- Prohibition to**  
1349 **pass.**

1350 (1) (a) A snowplow operator shall ensure that a snowplow in operation on a highway  
1351 displays flashing yellow lights.

1352           (b) An individual operating a snowplow as an agent of a highway authority, while  
1353 engaged in the removal of snow or ice on a highway, may not be charged with a violation under  
1354 this chapter related to parking, standing, turning, backing, or yielding the right-of-way.

1355           (c) Notwithstanding the exemptions described in Subsection (1)(b), an individual  
1356 operating a snowplow shall operate the snowplow with reasonable care.

1357           (2) If a snowplow is displaying flashing yellow lights, an individual operating a vehicle  
1358 in the vicinity of the snowplow may not pass or overtake a snowplow on a side of the  
1359 snowplow where a plow blade is deployed.

1360           (3) If three or more snowplows are operating in echelon formation, an individual  
1361 operating a vehicle in the vicinity of the snowplows may not overtake or pass the snowplows  
1362 on either side of the snowplows.

1363           (4) A violation of Subsection (2) or (3) is an infraction.

1364           Section 12. Section **41-6a-904** is amended to read:

1365           **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**  
1366 **emergency vehicle -- Duties of respective operators.**

1367           (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon  
1368 the immediate approach of an authorized emergency vehicle using audible or visual signals  
1369 under Section [41-6a-212](#) or [41-6a-1625](#), shall:

1370           (a) yield the right-of-way and immediately move to a position parallel to, and as close  
1371 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

1372           (b) then stop and remain stopped until the authorized emergency vehicle has passed.

1373           (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency  
1374 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

1375           (i) reduce the speed of the vehicle;

1376           (ii) provide as much space as practical to the stationary authorized emergency vehicle;

1377 and

1378           (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if

1379 practical, with due regard to safety and traffic conditions, make a lane change into a lane not  
1380 adjacent to the authorized emergency vehicle.

1381 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
1382 stationary authorized emergency vehicle that is displaying alternately flashing red, red and  
1383 white, or red and blue lights, the requirements in Subsection (2)(a) apply.

1384 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary  
1385 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red  
1386 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane  
1387 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

1388 (3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway  
1389 maintenance vehicle that is displaying flashing amber lights, shall:

1390 (i) reduce the speed of the vehicle;

1391 (ii) provide as much space as practical to the stationary tow truck or highway  
1392 maintenance vehicle; and

1393 (iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance  
1394 vehicle, if practical and with due regard to safety and traffic conditions, make a lane change  
1395 into a lane not adjacent to the tow truck or highway maintenance vehicle.

1396 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
1397 stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights,  
1398 the requirements in Subsection (3)(a) apply.

1399 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary  
1400 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if  
1401 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV  
1402 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

1403 (4) (a) The operator of a vehicle, upon approaching a stationary vehicle adjacent to a  
1404 highway that is not parked in an apparent legal parking area that has flashing hazard lights  
1405 illuminated, shall:

1406           (i) reduce the speed of the vehicle;  
1407           (ii) provide as much space as practical to the stationary vehicle; and  
1408           (iii) if traveling in a lane adjacent to the stationary vehicle, if practical and with due  
1409 regard to safety and traffic conditions, make a lane change into a lane not adjacent to the  
1410 stationary vehicle.

1411           (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a  
1412 stationary vehicle as described in Subsection (4)(a), the requirements in Subsection (4)(a)  
1413 apply.

1414           (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary  
1415 vehicle as described in Subsection (4)(a), shall, if practical, with due regard to safety and traffic  
1416 conditions, make a lane change out of the HOV lane into a lane not adjacent to the stationary  
1417 vehicle.

1418           ~~[(4)]~~ (5) When an authorized emergency vehicle is using audible or visual signals  
1419 under Section [41-6a-212](#) or [41-6a-1625](#), the operator of a vehicle may not:

1420           (a) follow closer than 500 feet behind the authorized emergency vehicle;  
1421           (b) pass the authorized emergency vehicle, if the authorized emergency vehicle is  
1422 moving; or

1423           (c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a  
1424 fire alarm.

1425           ~~[(5)]~~ (6) This section does not relieve the operator of an authorized emergency vehicle,  
1426 tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of  
1427 all persons using the highway.

1428           ~~[(6)]~~ (7) (a) (i) In addition to the penalties prescribed under Subsection ~~[(8)]~~ (9), a  
1429 person who violates this section shall attend a four hour live classroom defensive driving  
1430 course approved by:

1431           (A) the Driver License Division; or  
1432           (B) a court in this state.

1433 (ii) Upon completion of the four hour live classroom course under Subsection  
1434 ~~[(6)(a)(i)]~~ (7)(a)(i), the person shall provide to the Driver License Division a certificate of  
1435 attendance of the classroom course.

1436 (b) The Driver License Division shall suspend a person's driver license for a period of  
1437 90 days if the person:

1438 (i) violates a provision of Subsections (1) through (3); and

1439 (ii) fails to meet the requirements of Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), within 90 days of  
1440 sentencing for or pleading guilty to a violation of this section.

1441 (c) Notwithstanding the provisions of Subsection ~~[(6)(b)]~~ (7)(b), the Driver License  
1442 Division shall shorten the 90-day suspension period imposed under Subsection ~~[(6)(b)]~~ (7)(b)  
1443 effective immediately upon receiving a certificate of attendance of the four hour live classroom  
1444 course required under Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), if the certificate of attendance is received  
1445 before the completion of the suspension period.

1446 (d) A person whose license is suspended under Subsection ~~[(6)(b)]~~ (7)(b) and a person  
1447 whose suspension is shortened as described under Subsection ~~[(6)(c)]~~ (7)(c) shall pay the  
1448 license reinstatement fees under Subsection [53-3-105](#)(26).

1449 ~~[(7)]~~ (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1450 Act, the Driver License Division shall make rules to implement the provisions of this part.

1451 ~~[(8)]~~ (9) A violation of Subsection (1), (2), (3), ~~[(4)]~~ or (5) is an infraction.

1452 Section 13. Section **41-21-1** is amended to read:

1453 **41-21-1. Definitions.**

1454 (1) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

1455 (2) "Motorcycle" means:

1456 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not  
1457 more than three wheels in contact with the ground; or

1458 (b) an autocycle.

1459 (3) (a) "Street rod" means a motor vehicle or motorcycle that:

- 1460 (i) (A) was manufactured in 1948 or before; or  
1461 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in  
1462 1948 or before; and  
1463 (II) (Aa) has been altered from the manufacturer's original design; or  
1464 (Bb) has a body constructed from non-original materials; and  
1465 (ii) is primarily a collector's item that is used for:  
1466 (A) club activities;  
1467 (B) exhibitions;  
1468 (C) tours;  
1469 (D) parades;  
1470 (E) occasional transportation; and  
1471 (F) other similar uses.  
1472 (b) "Street rod" does not include a motor vehicle or motorcycle that is used for general,  
1473 daily transportation.  
1474 (4) (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel  
1475 trailer that is:  
1476 (i) 30 years old or older, from the current year; and  
1477 (ii) primarily a collector's item that is used for:  
1478 (A) participation in club activities;  
1479 (B) exhibitions;  
1480 (C) tours;  
1481 (D) parades;  
1482 (E) occasional recreational or vacation use; and  
1483 (F) other similar uses.  
1484 (b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth  
1485 wheel trailer that is used for the general, daily transportation of persons or property.  
1486 (5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:

- 1487 (i) is 30 years old or older from the current year;
- 1488 (ii) displays:
- 1489 (A) a unique vehicle type special group license plate issued in accordance with Section
- 1490 [41-1a-418](#); [~~or~~]
- 1491 (B) for a vehicle that has a model year of 1980 or older, a historical support special
- 1492 group plate; [~~and~~] or
- 1493 (C) an original issue license plate in accordance with Section [41-1a-416](#); and
- 1494 (iii) is primarily a collector's item that is used for:
- 1495 (A) participation in club activities;
- 1496 (B) exhibitions;
- 1497 (C) tours;
- 1498 (D) parades;
- 1499 (E) occasional transportation; and
- 1500 (F) other similar uses.
- 1501 (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for
- 1502 general, daily transportation.
- 1503 (c) "Vintage vehicle" includes a:
- 1504 (i) street rod; and
- 1505 (ii) vintage travel trailer.
- 1506 Section 14. Section [53-1-106.2](#) is repealed and reenacted to read:
- 1507 **53-1-106.2. Towing dispatch program.**
- 1508 (1) An interlocal agency established pursuant to Title 11, Chapter 13, Interlocal
- 1509 Cooperation Act, a special service district established pursuant to Title 17D, Chapter 1, Special
- 1510 Service District Act, a political subdivision, or a state agency may enter into a contract with a
- 1511 vendor that provides a product or technology capable of increasing efficiency, effectiveness,
- 1512 and transparency in the dispatching of towing providers and management of towing rotations.
- 1513 (2) The product or technology described in Subsection (1) shall comply with the



1514 following requirements and capabilities:

1515 (a) decreasing delays associated with requesting and dispatching a tow truck motor  
1516 carrier from an established tow rotation;

1517 (b) increasing information, transparency, and data collection associated with tow  
1518 rotation operations, including dispatching, response time, completion, clearance, and storage;  
1519 and

1520 (c) increasing responder and traffic safety by reducing secondary crashes, responder  
1521 time on scene, and the impacts of traffic accidents on traffic flow and safety.

1522 (3) A vendor selected to provide towing dispatch management services as described in  
1523 this section may not also provide towing, storage, impounding, or other services related to the  
1524 operation of a towing provider.

1525 Section 15. Section **53-3-109** is amended to read:

1526 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

1527 (1) (a) Except as provided in this section, all records of the division shall be classified  
1528 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and  
1529 Management Act.

1530 (b) The division may disclose personal identifying information in accordance with 18  
1531 U.S.C. Chapter 123:

1532 (i) to a licensed private investigator holding a valid agency license, with a legitimate  
1533 business need;

1534 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,  
1535 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,  
1536 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,  
1537 antifraud activities, rating, or underwriting for any person issued a license certificate under this  
1538 chapter;

1539 (iii) to a depository institution as that term is defined in Section [7-1-103](#);

1540 (iv) to the State Tax Commission for the purposes of tax fraud detection and

1541 prevention and any other use required by law;

1542 (v) subject to Subsection (7), to the University of Utah for data collection in relation to  
1543 genetic and epidemiologic research; or

1544 (vi) (A) to a government entity, including any court or law enforcement agency, to  
1545 fulfill the government entity's functions; or

1546 (B) to a private person acting on behalf of a government entity to fulfill the government  
1547 entity's functions, if the division determines disclosure of the information is in the interest of  
1548 public safety.

1549 (2) (a) A person who receives personal identifying information shall be advised by the  
1550 division that the person may not:

1551 (i) disclose the personal identifying information from that record to any other person;

1552 or

1553 (ii) use the personal identifying information from that record for advertising or  
1554 solicitation purposes.

1555 (b) Any use of personal identifying information by an insurer or insurance support  
1556 organization, or by a self-insured entity or its agents, employees, or contractors not authorized  
1557 by Subsection (1)(b)(ii) is:

1558 (i) an unfair marketing practice under Section [31A-23a-402](#); or

1559 (ii) an unfair claim settlement practice under Subsection [31A-26-303](#)(3).

1560 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee  
1561 may disclose portions of a driving record, in accordance with this Subsection (3), to:

1562 (i) an insurer as defined under Section [31A-1-301](#), or a designee of an insurer, for  
1563 purposes of assessing driving risk on the insurer's current motor vehicle insurance  
1564 policyholders;

1565 (ii) an employer or a designee of an employer, for purposes of monitoring the driving  
1566 record and status of current employees who drive as a responsibility of the employee's  
1567 employment if the requester demonstrates that the requester has obtained the written consent of

1568 the individual to whom the information pertains; and  
1569 (iii) an employer or the employer's agents to obtain or verify information relating to a  
1570 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.  
1571 (b) A disclosure under Subsection (3)(a)(i) shall:  
1572 (i) include the licensed driver's name, driver license number, date of birth, and an  
1573 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
1574 as defined under Section 53-3-102 during the previous month;  
1575 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered  
1576 under a motor vehicle insurance policy of the insurer; and  
1577 (iii) be made under a contract with the insurer or a designee of an insurer.  
1578 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:  
1579 (i) include the licensed driver's name, driver license number, date of birth, and an  
1580 indication of whether the driver has had a moving traffic violation that is a reportable violation,  
1581 as defined under Section 53-3-102, during the previous month;  
1582 (ii) be limited to the records of a current employee of an employer;  
1583 (iii) be made under a contract with the employer or a designee of an employer; and  
1584 (iv) include an indication of whether the driver has had a change reflected in the  
1585 driver's:  
1586 (A) driving status;  
1587 (B) license class;  
1588 (C) medical self-certification status; or  
1589 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.  
1590 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:  
1591 (i) the criteria for searching and compiling the driving records being requested;  
1592 (ii) the frequency of the disclosures;  
1593 (iii) the format of the disclosures, which may be in bulk electronic form; and  
1594 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

1595 (4) The division may charge fees:  
1596 (a) in accordance with Section 53-3-105 for searching and compiling its files or  
1597 furnishing a report on the driving record of a person;  
1598 (b) for each document prepared under the seal of the division and deliver upon request,  
1599 a certified copy of any record of the division, and charge a fee set in accordance with Section  
1600 63J-1-504 for each document authenticated; and  
1601 (c) established in accordance with the procedures and requirements of Section  
1602 63J-1-504 for disclosing personal identifying information under Subsection (1)(b).  
1603 (5) Each certified copy of a driving record furnished in accordance with this section is  
1604 admissible in any court proceeding in the same manner as the original.  
1605 (6) (a) A driving record furnished under this section may only report on the driving  
1606 record of a person for a period of 10 years.  
1607 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of  
1608 commercial driver license violations, or reports for commercial driver license holders.  
1609 (7) (a) The division shall include on each application for or renewal of a license or  
1610 identification card under this chapter:  
1611 (i) the following notice: "The Driver License Division may disclose the information  
1612 provided on this form to an entity described in Utah Code Ann. Subsection  
1613 53-3-109(1)(b)(v).";  
1614 (ii) a reference to the website described in Subsection (7)(b); and  
1615 (iii) a link to the division website for:  
1616 (A) information provided by the division, after consultation with the University of  
1617 Utah, containing the explanation and description described in Subsection (7)(b); and  
1618 (B) an online form for the individual to opt out of the disclosure of personal identifying  
1619 information as described in Subsection (1)(b)(v).  
1620 (b) [~~On or before July 1, 2020, and in~~] In consultation with the division, the University  
1621 of Utah shall create a website that provides an explanation and description of:

1622 (i) what information may be disclosed by the division to the University of Utah under  
1623 Subsection (1)(b)(v);

1624 (ii) the methods and timing of anonymizing the information;

1625 (iii) for situations where the information is not anonymized:

1626 (A) how the information is used;

1627 (B) how the information is secured;

1628 (C) how long the information is retained; and

1629 (D) who has access to the information;

1630 (iv) research and statistical purposes for which the information is used; and

1631 (v) other relevant details regarding the information.

1632 (c) The website created by the University of Utah described in Subsection (7)(b) shall  
1633 include the following:

1634 (i) a link to the division website for an online form for the individual to opt out of the  
1635 disclosure of personal identifying information as described in Subsection (1)(b)(v); and

1636 (ii) a link to an online form for the individual to affirmatively choose to remove,  
1637 subject to Subsection (7)(e)(ii), personal identifying information from the database controlled  
1638 by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).

1639 (d) In the course of business, the division shall provide information regarding the  
1640 disclosure of personal identifying information, including providing on the division website:

1641 (i) a link to the website created under Subsection (7)(b) to provide individuals with  
1642 information regarding the disclosure of personal identifying information under Subsection  
1643 (1)(b)(v); and

1644 (ii) a link to the division website for:

1645 (A) information provided by the division, after consultation with the University of  
1646 Utah, containing the explanation and description described in Subsection (7)(b); and

1647 (B) an online form for the individual to opt out of the disclosure of personal identifying  
1648 information as described in Subsection (1)(b)(v).

1649 (e) (i) The division may not disclose the personal identifying information under  
1650 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection  
1651 (7)(a)(iii)(B) or (7)(c)(i).

1652 (ii) (A) Except as provided in Subsection (7)(e)(ii)(B), if an individual makes a request  
1653 as described in Subsection (7)(c)(ii), the University of Utah shall, within 90 days of receiving  
1654 the request, remove and destroy the individual's personal identifying information received  
1655 under Subsection (1)(b)(v) from a database controlled by the University of Utah.

1656 (B) The University of Utah is not required to remove an individual's personal  
1657 identifying information as described in Subsection (7)(e)(ii)(A) from data released to a research  
1658 study before the date of the request described in Subsection (7)(c)(ii).

1659 ~~[(f) (i) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8,~~  
1660 ~~the Office of the Legislative Auditor General shall conduct an audit and issue a report on:]~~

1661 ~~[(A) procedures and safeguards utilized by the University of Utah related to the~~  
1662 ~~security of personal identifying information disclosed pursuant to Subsection (1)(b)(v); and]~~

1663 ~~[(B) potential risks of disclosure or breaches in the security of personal identifying~~  
1664 ~~information disclosed pursuant to Subsection (1)(b)(v).]~~

1665 ~~[(ii) The Office of the Legislative Auditor General shall provide the report described in~~  
1666 ~~Subsection (7)(f)(i) to the Transportation Interim Committee before October 31, 2021.]~~

1667 ~~[(g) (i) The University of Utah shall report to the Transportation Interim Committee~~  
1668 ~~before October 31, 2020, regarding the information described in Subsection (7)(b).]~~

1669 [(ii)] (f) The University of Utah shall conduct a biennial internal information security  
1670 audit of the information systems that store the data received pursuant to Subsection (1)(b)(v),  
1671 and, beginning in the year 2023, provide a biennial report of the findings of the internal audit to  
1672 the Transportation Interim Committee.

1673 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1674 division may make rules to designate:

1675 (a) what information shall be included in a report on the driving record of a person;

- 1676 (b) the form of a report or copy of the report which may include electronic format;
- 1677 (c) the form of a certified copy, as required under Section 53-3-216, which may include
- 1678 electronic format;
- 1679 (d) the form of a signature required under this chapter which may include electronic
- 1680 format;
- 1681 (e) the form of written request to the division required under this chapter which may
- 1682 include electronic format;
- 1683 (f) the procedures, requirements, and formats for disclosing personal identifying
- 1684 information under Subsection (1)(b); and
- 1685 (g) the procedures, requirements, and formats necessary for the implementation of
- 1686 Subsection (3).

1687 (9) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
1688 use, disclose, or disseminate a record created or maintained by the division or any information  
1689 contained in a record created or maintained by the division for a purpose prohibited or not  
1690 permitted by statute, rule, regulation, or policy of a governmental entity.

1691 (b) A person who discovers or becomes aware of any unauthorized use of records  
1692 created or maintained by the division shall inform the commissioner and the division director  
1693 of the unauthorized use.

1694 Section 16. Section 63I-1-241 is amended to read:

1695 **63I-1-241. Repeal dates: Title 41.**

1696 (1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury  
1697 Rehabilitation Fund, is repealed January 1, 2025.

1698 (2) Section 41-3-106, which creates an advisory board related to motor vehicle  
1699 business regulation, is repealed July 1, 2024.

1700 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:

1701 (a) [~~Subsection 41-6a-102(31)~~] the subsection in Section 41-6a-102 that defines "lane  
1702 filtering";

1703 (b) Subsection 41-6a-704(5); and

1704 (c) Subsection 41-6a-710(1)(c).

1705 (4) Subsection 41-6a-1406(6)(c)(iii), related to the Spinal Cord and Brain Injury  
1706 Rehabilitation Fund, is repealed January 1, 2025.

1707 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which authorize an advisory council  
1708 that includes in the advisory council's duties addressing off-highway vehicle issues, are  
1709 repealed July 1, 2027.

1710 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation  
1711 Fund, is repealed January 1, 2025.

1712 Section 17. Section 72-1-202 is amended to read:

1713 **72-1-202. Executive director of department -- Appointment -- Qualifications --**  
1714 **Term -- Responsibility -- Power to bring suits -- Salary.**

1715 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
1716 executive director to be the chief executive officer of the department.

1717 (b) The executive director shall be a registered professional engineer and qualified  
1718 executive with technical and administrative experience and training appropriate for the  
1719 position.

1720 (c) The executive director shall remain in office until a successor is appointed.

1721 (d) The executive director may be removed by the governor.

1722 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
1723 prescribed in this chapter, the executive director shall:

1724 (a) have responsibility for the administrative supervision of the state transportation  
1725 systems and the various operations of the department;

1726 (b) have the responsibility for the implementation of rules, priorities, and policies  
1727 established by the department and the commission;

1728 (c) have the responsibility for the oversight and supervision of[:]

1729 [(†)] any transportation project for which state funds are expended; [and]



1730           ~~[(ii) any fixed guideway capital development project within the boundaries of a large~~  
1731 ~~public transit district for which any state funds are expended;]~~

1732           (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
1733 department as the executive director considers reasonable and necessary for the proper  
1734 attainment of the goals of this chapter;

1735           (e) receive a salary, to be established by the governor within the salary range fixed by  
1736 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
1737 traveling expenses while away from the executive director's office on official business;

1738           (f) purchase all equipment, services, and supplies necessary to achieve the department's  
1739 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);

1740           (g) have the responsibility to determine whether a purchase from, contribution to, or  
1741 other participation with a public entity or association of public entities in a pooled fund  
1742 program to acquire, develop, or share information, data, reports, or other services related to the  
1743 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
1744 Code;

1745           (h) have responsibility for administrative supervision of the Comptroller Division, the  
1746 Internal Audit Division, and the Communications Division; and

1747           (i) appoint assistants, to serve at the discretion of the executive director, to administer  
1748 the divisions of the department.

1749           (3) The executive director may employ other assistants and advisers as the executive  
1750 director finds necessary and fix salaries in accordance with the salary standards adopted by the  
1751 Division of Human Resource Management.

1752           (4) (a) For a fixed guideway capital development project within the boundaries of a  
1753 large public transit district for which state funds are expended, responsibilities of the executive  
1754 director include:

1755           (i) project development for a fixed guideway capital development project in a large  
1756 public transit district;

- 1757 (ii) oversight and coordination of planning, including:
- 1758 (A) development of statewide strategic initiatives for planning across all modes of
- 1759 transportation;
- 1760 (B) coordination with metropolitan planning organizations;
- 1761 (C) coordination with a large public transit district, including planning, project
- 1762 development, outreach, programming, environmental studies and impact statements,
- 1763 construction, and impacts on public transit operations; and
- 1764 (D) corridor and area planning;
- 1765 (iii) programming and prioritization of fixed guideway capital development projects;
- 1766 (iv) fulfilling requirements for environmental studies and impact statements; and
- 1767 (v) resource investment, including identification, development, and oversight of
- 1768 public-private partnership opportunities.
- 1769 (5) (a) Before October 31, 2022, the department shall submit to the Transportation
- 1770 Interim Committee a written plan for the department to assume management of all fixed
- 1771 guideway capital development projects within a large public transit district for which state
- 1772 funds are expended.
- 1773 (b) The department shall consult with a large public transit district and relevant
- 1774 metropolitan planning organizations in developing the plan described in Subsection (5)(a).
- 1775 (c) The Transportation Interim Committee shall consider the plan submitted by the
- 1776 department as described in Subsection (5)(a) and make recommendations to the Legislature
- 1777 before December 1, 2022.
- 1778 Section 18. Section **72-1-203** is amended to read:
- 1779 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
- 1780 **and advisers -- Salaries.**
- 1781 (1) The executive director shall appoint two deputy directors, who shall serve at the
- 1782 discretion of the executive director.
- 1783 (2) (a) The deputy director of engineering and operations shall be a registered

1784 professional engineer in the state and is the chief engineer of the department.

1785 (b) The deputy director of engineering and operations shall assist the executive director  
1786 with areas of responsibility that may include:

1787 (i) project development, including statewide standards for project design and  
1788 construction, right-of-way, materials, testing, structures, and construction;

1789 (ii) oversight of the management of the region offices described in Section [72-1-205](#);

1790 (iii) operations and traffic management;

1791 (iv) oversight of operations of motor carriers and ports;

1792 (v) transportation systems safety;

1793 (vi) aeronautical operations; and

1794 (vii) equipment for department engineering and maintenance functions.

1795 (c) The deputy director of planning and investment shall assist the executive director  
1796 with areas of responsibility that may include:

1797 (i) oversight and coordination of planning, including:

1798 (A) development of statewide strategic initiatives for planning across all modes of  
1799 transportation;

1800 (B) coordination with metropolitan planning organizations and local governments; and

1801 (C) corridor and area planning;

1802 (ii) responsibility for the oversight and supervision of any fixed guideway capital  
1803 development project within the boundaries of a large public transit district for which any state  
1804 funds are expended;

1805 [~~(ii)~~] (iii) asset management;

1806 [~~(iii)~~] (iv) programming and prioritization of transportation projects;

1807 [~~(iv)~~] (v) fulfilling requirements for environmental studies and impact statements;

1808 [~~(v)~~] (vi) resource investment, including identification, development, and oversight of  
1809 public-private partnership opportunities;

1810 [~~(vi)~~] (vii) data analytics services to the department;

1811 [~~(vii)~~] (viii) corridor preservation;  
1812 [~~(viii)~~] (ix) employee development;  
1813 [~~(ix)~~] (x) maintenance planning; and  
1814 [~~(x)~~] (xi) oversight and facilitation of the negotiations and integration of public transit  
1815 providers described in Section [17B-2a-827](#).

1816 Section 19. Section **72-1-301** is amended to read:

1817 **72-1-301. Transportation Commission created -- Members, appointment, terms --**  
1818 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

1819 (1) (a) There is created the Transportation Commission which shall consist of seven  
1820 members.

1821 (b) The members of the commission shall be residents of Utah.

1822 (c) The members of the commission shall be selected on a nonpartisan basis.

1823 (d) [~~(i)~~] The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2,  
1824 Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term  
1825 of six years, beginning on April 1 of odd-numbered years[~~; except as provided under~~  
1826 ~~Subsection (1)(d)(ii)].~~

1827 [~~(ii) The first two additional commissioners serving on the seven member commission~~  
1828 ~~shall be appointed for terms of two years nine months and four years nine months, respectively,~~  
1829 ~~initially commencing on July 1, 1996, and subsequently commencing as specified under~~  
1830 ~~Subsection (1)(d)(i).]~~

1831 (e) The commissioners serve on a part-time basis.

1832 (f) Each commissioner shall remain in office until a successor is appointed and  
1833 qualified.

1834 [~~(2)(a) Except as provided in Subsection (2)(b), the selection of the commissioners~~  
1835 ~~shall be as follows:]~~

1836 [~~(i) one commissioner from Box Elder, Cache, or Rich county;]~~

1837 [~~(ii) one commissioner from Salt Lake or Tooele county;]~~

1838 ~~[(iii) one commissioner from Carbon, Emery, Grand, or San Juan county;]~~  
 1839 ~~[(iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,~~  
 1840 ~~Sevier, Washington, or Wayne county;]~~  
 1841 ~~[(v) one commissioner from Weber, Davis, or Morgan county;]~~  
 1842 ~~[(vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or~~  
 1843 ~~Daggett county; and]~~  
 1844 ~~[(vii) one commissioner selected from the state at large.]~~  
 1845 ~~[(b)] (2) (a) [Beginning with the appointment of commissioners on or after July 1, 2009~~  
 1846 ~~and subject] Subject to the restriction in Subsection ~~[(2)(d)] (2)(c)~~, the selection of~~  
 1847 commissioners shall be as follows:  
 1848 (i) four commissioners with one commissioner selected from each of the four regions  
 1849 established by the department; and  
 1850 (ii) subject to the restriction in Subsection ~~[(2)(e)] (2)(b)~~, three commissioners selected  
 1851 from the state at large.  
 1852 ~~[(e)] (b) (i)~~ At least one of the three commissioners appointed under Subsection  
 1853 ~~[(2)(b)(ii)] (2)(a)(ii)~~ shall be selected from a rural county.  
 1854 (ii) For purposes of this Subsection ~~[(2)(e)] (2)(b)~~, a rural county ~~[includes]~~ is a county  
 1855 of the third, fourth, fifth, or sixth class.  
 1856 ~~[(d)] (c)~~ No more than two commissioners appointed under Subsection ~~[(2)(b)] (2)(a)~~  
 1857 may be selected from any one of the four regions established by the department.  
 1858 (3) A member may not receive compensation or benefits for the member's service, but  
 1859 may receive per diem and travel expenses in accordance with:  
 1860 (a) Section [63A-3-106](#);  
 1861 (b) Section [63A-3-107](#); and  
 1862 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
 1863 [63A-3-107](#).  
 1864 (4) (a) One member of the commission shall be designated by the governor as chair.

1865 (b) The commission ~~[shall]~~ may select one member as vice chair to act in the chair's  
1866 absence.

1867 (5) Any four commissioners constitute a quorum.

1868 (6) Each member of the commission shall qualify by taking the constitutional oath of  
1869 office.

1870 (7) Each member of the commission is subject to the conflict of interest provisions  
1871 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1872 ~~[(7)]~~ (8) For the purposes of Section ~~63J-1-504~~, the commission is not considered an  
1873 agency.

1874 Section 20. Section ~~72-1-302~~ is amended to read:

1875 **72-1-302. Commission offices and meetings.**

1876 (1) The commission shall ~~[maintain offices and]~~ hold regular public meetings ~~[at those~~  
1877 ~~offices on dates fixed and formally announced by it, and may hold other meetings at the times~~  
1878 ~~and places as it may, by order, provide]~~ at least quarterly.

1879 (2) The commission may hold additional public meetings as determined by the chair of  
1880 the commission in consultation with the executive director of the department.

1881 ~~[(a) Meetings may be held upon call of the governor, the chairman, or two~~  
1882 ~~commissioners upon notice of the time, place, and purpose of meeting to each commissioner at~~  
1883 ~~least seven days prior to the date of the meeting.]~~

1884 ~~[(b) Any meeting may be held upon shorter notice with the unanimous approval of the~~  
1885 ~~commission.]~~

1886 ~~[(c) A member of the commission shall comply with the conflict of interest provisions~~  
1887 ~~described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.]~~

1888 Section 21. Section ~~72-1-303~~ is amended to read:

1889 **72-1-303. Duties of commission.**

1890 (1) The commission has the following duties:

1891 (a) determining priorities and funding levels of projects and programs in the state

1892 transportation systems and the capital development of new public transit facilities for each  
1893 fiscal year based on project lists compiled by the department and taking into consideration the  
1894 strategic initiatives described in Section 72-1-211;

1895 (b) determining additions and deletions to state highways under Chapter 4, Designation  
1896 of State Highways Act;

1897 (c) holding public [~~hearings~~] meetings and otherwise providing for public input in  
1898 transportation matters;

1899 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah  
1900 Administrative Rulemaking Act, necessary to perform the commission's duties described under  
1901 this section;

1902 (e) in accordance with Section 63G-4-301, reviewing orders issued by the executive  
1903 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,  
1904 Administrative Procedures Act;

1905 (f) advising the department [~~in~~] on state transportation systems policy;

1906 (g) approving settlement agreements of condemnation cases subject to Section  
1907 63G-10-401;

1908 (h) in accordance with Section 17B-2a-807, appointing a commissioner to serve as a  
1909 nonvoting[~~, ex-officio~~] member or a voting member on the board of trustees of a public transit  
1910 district;

1911 (i) in accordance with Section 17B-2a-808, reviewing, at least annually, the short-term  
1912 and long-range public transit plans; and

1913 (j) reviewing administrative rules made, substantively amended, or repealed by the  
1914 department.

1915 (2) (a) For projects prioritized with funding provided under Sections 72-2-124 and  
1916 72-2-125, the commission shall annually report to a committee designated by the Legislative  
1917 Management Committee:

1918 (i) a prioritized list of the new transportation capacity projects in the state

1919 transportation system and the funding levels available for those projects; and  
1920 (ii) the unfunded highway construction and maintenance needs within the state.  
1921 (b) The committee designated by the Legislative Management Committee under  
1922 Subsection (2)(a) shall:  
1923 (i) review the list reported by the Transportation Commission; and  
1924 (ii) make a recommendation to the Legislature on:  
1925 (A) the amount of additional funding to allocate to transportation; and  
1926 (B) the source of revenue for the additional funding allocation under Subsection  
1927 (2)(b)(ii)(A).  
1928 (3) The commission shall review and may approve plans for the construction of a  
1929 highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval  
1930 of Highway Facilities on Sovereign Lands Act.  
1931 (4) One or more associations representing airport operators or pilots in the state shall  
1932 annually report to the commission recommended airport improvement projects and any other  
1933 information related to the associations' expertise and relevant to the commission's duties.  
1934 Section 22. Section **72-1-304** is amended to read:  
1935 **72-1-304. Written project prioritization process for new transportation capacity**  
1936 **projects -- Rulemaking.**  
1937 (1) (a) The Transportation Commission, in consultation with the department and the  
1938 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written  
1939 prioritization process for the prioritization of:  
1940 (i) new transportation capacity projects that are or will be part of the state highway  
1941 system under Chapter 4, Part 1, State Highways;  
1942 (ii) paved pedestrian or paved nonmotorized transportation projects that:  
1943 (A) mitigate traffic congestion on the state highway system; and  
1944 (B) are part of an active transportation plan approved by the department;  
1945 (iii) public transit projects that directly add capacity to the public transit systems within



1946 the state, not including facilities ancillary to the public transit system; and  
1947 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
1948 public transit system.

1949 (b) (i) A local government or district may nominate a project for prioritization in  
1950 accordance with the process established by the commission in rule.

1951 (ii) If a local government or district nominates a project for prioritization by the  
1952 commission, the local government or district shall provide data and evidence to show that:

1953 (A) the project will advance the purposes and goals described in Section 72-1-211;  
1954 (B) for a public transit project, the local government or district has an ongoing funding  
1955 source for operations and maintenance of the proposed development; and  
1956 (C) the local government or district will provide [~~40%~~] the percentage of the costs for  
1957 the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1958 (2) The following shall be included in the written prioritization process under  
1959 Subsection (1):

1960 (a) a description of how the strategic initiatives of the department adopted under  
1961 Section 72-1-211 are advanced by the written prioritization process;

1962 (b) a definition of the type of projects to which the written prioritization process  
1963 applies;

1964 (c) specification of a weighted criteria system that is used to rank proposed projects  
1965 and how it will be used to determine which projects will be prioritized;

1966 (d) specification of the data that is necessary to apply the weighted ranking criteria; and  
1967 (e) any other provisions the commission considers appropriate, which may include  
1968 consideration of:

1969 (i) regional and statewide economic development impacts, including improved local  
1970 access to:

1971 (A) employment;  
1972 (B) educational facilities;

1973 (C) recreation;

1974 (D) commerce; and

1975 (E) residential areas, including moderate income housing as demonstrated in the local

1976 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1977 (ii) the extent to which local land use plans relevant to a project support and

1978 accomplish the strategic initiatives adopted under Section 72-1-211; and

1979 (iii) any matching funds provided by a political subdivision or public transit district in

1980 addition to the [40%] percentage of costs required by Subsections 72-2-124(4)(a)(viii) and

1981 72-2-124(9)(e).

1982 (3) (a) When prioritizing a public transit project that increases capacity, the

1983 commission:

1984 (i) may give priority consideration to projects that are part of a transit-oriented

1985 development or transit-supportive development as defined in Section 17B-2a-802; and

1986 (ii) shall give priority consideration to projects that are within the boundaries of a

1987 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,

1988 Housing and Transit Reinvestment Zone Act.

1989 (b) When prioritizing a transportation project that increases capacity, the commission

1990 may give priority consideration to projects that are:

1991 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1992 (A) the state is a participant in the transportation reinvestment zone; or

1993 (B) the commission finds that the transportation reinvestment zone provides a benefit

1994 to the state transportation system; or

1995 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant

1996 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1997 (c) If the department receives a notice of prioritization for a municipality as described

1998 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection

1999 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority

2000 consideration to transportation projects that are within the boundaries of the municipality or the  
2001 unincorporated areas of the county.

2002 (4) In developing the written prioritization process, the commission:

2003 (a) shall seek and consider public comment by holding public meetings at locations  
2004 throughout the state; and

2005 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
2006 the state provides an equal opportunity to raise local matching dollars for state highway  
2007 improvements within each county.

2008 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2009 Transportation Commission, in consultation with the department, shall make rules establishing  
2010 the written prioritization process under Subsection (1).

2011 (6) The commission shall submit the proposed rules under this section to a committee  
2012 or task force designated by the Legislative Management Committee for review prior to taking  
2013 final action on the proposed rules or any proposed amendment to the rules described in  
2014 Subsection (5).

2015 Section 23. Section 72-1-305 is amended to read:

2016 **72-1-305. Project selection using the written prioritization process -- Public**  
2017 **comment -- Report.**

2018 (1) Except as provided in Subsection (4), in determining priorities and funding levels  
2019 of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new  
2020 transportation capacity projects, the commission shall use the weighted criteria system adopted  
2021 in the written prioritization process under Section 72-1-304.

2022 (2) Prior to finalizing priorities and funding levels of projects in the state transportation  
2023 system, the commission shall conduct public [~~hearings~~] meetings at locations around the state  
2024 and accept public comments on:

2025 (a) the written prioritization process;

2026 (b) the merits of new transportation capacity projects that will be prioritized under this

2027 section; and

2028 (c) the merits of new transportation capacity projects as recommended by a consensus  
2029 of local elected officials participating in a metropolitan planning organization as defined in  
2030 Section 72-1-208.5.

2031 (3) The commission shall make the weighted criteria system ranking for each project  
2032 publicly available prior to the public ~~hearings~~ meetings held under Subsection (2).

2033 (4) (a) If the commission prioritizes a project over another project with a higher rank  
2034 under the weighted criteria system, the commission shall identify the change and accept public  
2035 comment at a ~~hearing~~ meeting held under this section on the merits of prioritizing the project  
2036 above higher ranked projects.

2037 (b) The commission shall make the reasons for the prioritization under Subsection  
2038 (4)(a) publicly available.

2039 (5) (a) The executive director or the executive director's designee shall report annually  
2040 to the governor and a committee designated by the Legislative Management Committee no later  
2041 than the last day of October:

2042 (i) the projects prioritized under this section during the year prior to the report; and

2043 (ii) the status and progress of all projects prioritized under this section.

2044 (b) Annually, before any funds are programmed and allocated from the Transit  
2045 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive  
2046 director or the executive director's designee, along with the executive director of a large public  
2047 transit district as described in Section 17B-2a-802, shall report to the governor and a committee  
2048 designated by the Legislative Management Committee no later than the last day of October:

2049 (i) the public transit projects prioritized under this section during the year prior to the  
2050 report; and

2051 (ii) the status and progress of all public transit projects prioritized under this section.

2052 (6) (a) The department may not delay a new transportation capacity project that was  
2053 funded by the Legislature in an appropriations act to a different fiscal year than programmed by

2054 the commission due to an unavoidable shortfall in revenues unless the project delays are  
2055 prioritized and approved by the Transportation Commission.

2056 (b) The Transportation Commission shall prioritize and approve any new  
2057 transportation capacity project delays for projects that were funded by the Legislature in an  
2058 appropriations act due to an unavoidable shortfall in revenues.

2059 Section 24. Section **72-2-124** is amended to read:

2060 **72-2-124. Transportation Investment Fund of 2005.**

2061 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
2062 of 2005.

2063 (2) The fund consists of money generated from the following sources:

2064 (a) any voluntary contributions received for the maintenance, construction,  
2065 reconstruction, or renovation of state and federal highways;

2066 (b) appropriations made to the fund by the Legislature;

2067 (c) registration fees designated under Section [41-1a-1201](#);

2068 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
2069 [59-12-103](#); and

2070 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

2071 (3) (a) The fund shall earn interest.

2072 (b) All interest earned on fund money shall be deposited into the fund.

2073 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
2074 fund money to pay:

2075 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
2076 federal highways prioritized by the Transportation Commission through the prioritization  
2077 process for new transportation capacity projects adopted under Section [72-1-304](#);

2078 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
2079 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

2080 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)

2081 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
2082 with Subsection 72-2-121(4)(e);

2083 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
2084 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
2085 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
2086 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

2087 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
2088 for projects prioritized in accordance with Section 72-2-125;

2089 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
2090 the Centennial Highway Fund created by Section 72-2-118;

2091 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
2092 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
2093 in Section 72-2-121;

2094 (viii) if a political subdivision provides a contribution equal to or greater than 40% of  
2095 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
2096 nonmotorized transportation for projects that:

2097 (A) mitigate traffic congestion on the state highway system;

2098 (B) are part of an active transportation plan approved by the department; and

2099 (C) are prioritized by the commission through the prioritization process for new  
2100 transportation capacity projects adopted under Section 72-1-304;

2101 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
2102 reconstruction, or renovation of or improvement to the following projects:

2103 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

2104 (B) Geneva Road from University Parkway to 1800 South;

2105 (C) the SR-97 interchange at 5600 South on I-15;

2106 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

2107 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

- 2108 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 2109 (G) widening I-15 between mileposts 6 and 8;
- 2110 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 2111 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 2112 Spanish Fork Canyon;
- 2113 (J) I-15 northbound between mileposts 43 and 56;
- 2114 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 2115 and 45.1;
- 2116 (L) east Zion SR-9 improvements;
- 2117 (M) Toquerville Parkway;
- 2118 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 2119 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 2120 construction of an interchange on Bangerter Highway at 13400 South; and
- 2121 (P) an environmental impact study for Kimball Junction in Summit County; and
- 2122 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 2123 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 2124 provides to the department demonstrating the need for money for the project, for the following
- 2125 projects in the following amounts:
- 2126 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 2127 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 2128 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 2129 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
- 2130 between mile markers 7 and 10.
- 2131 (b) The executive director may use fund money to exchange for an equal or greater
- 2132 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 2133 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
- 2134 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director

2135 may not program fund money to a project prioritized by the commission under Section  
2136 [72-1-304](#), including fund money from the Transit Transportation Investment Fund, within the  
2137 boundaries of the municipality during the fiscal year specified in the notice.

2138 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
2139 executive director:

2140 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
2141 facility or interchange connecting limited-access facilities;

2142 (ii) may not program fund money for the construction, reconstruction, or renovation of  
2143 an interchange on a limited-access facility;

2144 (iii) may program Transit Transportation Investment Fund money for a  
2145 multi-community fixed guideway public transportation project; and

2146 (iv) may not program Transit Transportation Investment Fund money for the  
2147 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
2148 transportation project.

2149 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
2150 director before July 1, 2022, for projects prioritized by the commission under Section  
2151 [72-1-304](#).

2152 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
2153 ineligibility for a county as described in Subsection [17-27a-408\(7\)](#), the executive director may  
2154 not program fund money to a project prioritized by the commission under Section [72-1-304](#),  
2155 including fund money from the Transit Transportation Investment Fund, within the boundaries  
2156 of the unincorporated area of the county during the fiscal year specified in the notice.

2157 (b) Within the boundaries of the unincorporated area of a county described in  
2158 Subsection (6)(a), the executive director:

2159 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
2160 facility to a project prioritized by the commission under Section [72-1-304](#);

2161 (ii) may not program fund money for the construction, reconstruction, or renovation of



2162 an interchange on a limited-access facility;

2163 (iii) may program Transit Transportation Investment Fund money for a  
2164 multi-community fixed guideway public transportation project; and

2165 (iv) may not program Transit Transportation Investment Fund money for the  
2166 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
2167 transportation project.

2168 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
2169 director before July 1, 2022, for projects prioritized by the commission under Section  
2170 [72-1-304](#).

2171 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued  
2172 in any fiscal year, the department and the commission shall appear before the Executive  
2173 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
2174 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),  
2175 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

2176 (b) The Executive Appropriations Committee of the Legislature shall review and  
2177 comment on the amount of bond proceeds needed to fund the projects.

2178 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
2179 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
2180 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or  
2181 sinking fund.

2182 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
2183 Transportation Investment Fund.

2184 (b) The fund shall be funded by:

2185 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

2186 (ii) appropriations into the account by the Legislature;

2187 (iii) deposits of sales and use tax increment related to a housing and transit  
2188 reinvestment zone as described in Section [63N-3-610](#);

- 2189 (iv) private contributions; and  
2190 (v) donations or grants from public or private entities.
- 2191 (c) (i) The fund shall earn interest.  
2192 (ii) All interest earned on fund money shall be deposited into the fund.
- 2193 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:  
2194 (i) for public transit capital development of new capacity projects and fixed guideway  
2195 capital development projects to be used as prioritized by the commission through the  
2196 prioritization process adopted under Section 72-1-304;  
2197 (ii) for development of the oversight plan described in Section 72-1-202(5); or  
2198 (iii) to the department for oversight of a fixed guideway capital development project  
2199 for which the department has responsibility.
- 2200 (e) (i) The Legislature may only appropriate money from the fund for a public transit  
2201 capital development project or pedestrian or nonmotorized transportation project that provides  
2202 connection to the public transit system if the public transit district or political subdivision  
2203 provides funds of equal to or greater than ~~[40%]~~ 30% of the costs needed for the project.
- 2204 (ii) A public transit district or political subdivision may use money derived from a loan  
2205 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
2206 part of the ~~[40%]~~ 30% requirement described in Subsection (9)(e)(i) if:  
2207 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
2208 State Infrastructure Bank Fund; and  
2209 (B) the proposed capital project has been prioritized by the commission pursuant to  
2210 Section 72-1-303.
- 2211 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
2212 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15  
2213 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and  
2214 trainsets for regional public transit rail systems.
- 2215 (10) (a) There is created in the Transportation Investment Fund of 2005 the

2216 Cottonwood Canyons Transportation Investment Fund.

2217 (b) The fund shall be funded by:

2218 (i) money deposited into the fund in accordance with Section 59-12-103;

2219 (ii) appropriations into the account by the Legislature;

2220 (iii) private contributions; and

2221 (iv) donations or grants from public or private entities.

2222 (c) (i) The fund shall earn interest.

2223 (ii) All interest earned on fund money shall be deposited into the fund.

2224 (d) The Legislature may appropriate money from the fund for public transit or

2225 transportation projects in the Cottonwood Canyons of Salt Lake County.

2226 Section 25. Section 72-5-117 is amended to read:

2227 **72-5-117. Rulemaking for sale of real property -- Licensed or certified appraisers**

2228 **-- Exceptions.**

2229 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if  
2230 the department buys, sells, or exchanges real property, the department shall make rules to  
2231 ensure that the value of the real property is congruent with the proposed price and other terms  
2232 of the purchase, sale, or exchange.

2233 (2) The rules:

2234 (a) shall establish procedures for determining the value of the real property;

2235 (b) may provide that an appraisal, as defined under Section 61-2g-102, demonstrates  
2236 the real property's value; ~~and~~

2237 (c) may require that the appraisal be completed by a state-certified general appraiser, as  
2238 defined under Section 61-2g-102[:]; and

2239 (d) may provide for the sale or exchange of real property, with or without charge, to a  
2240 large public transit district if the executive director enters into an agreement with the large  
2241 public transit district and determines that the real property:

2242 (i) is within the boundaries of a station area that has a station area plan certified by a

2243 metropolitan planning organization in accordance with Section [10-9a-403.1](#);  
2244 (ii) is part of a transit-oriented development or transit-supportive development as  
2245 defined in Section [17B-2a-802](#);  
2246 (iii) is adjacent to a completed fixed guideway capital development that was overseen  
2247 by the department; or  
2248 (iv) will only be used by the large public transit district in a manner that the executive  
2249 director determines will provide a benefit to the state transportation system.  
2250 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or  
2251 to an interest in real property:  
2252 (a) that is under a contract or other written agreement before May 5, 2008; or  
2253 (b) with a value of less than \$100,000, as estimated by the state agency.  
2254 Section 26. Section **72-9-604** is amended to read:  
2255 **72-9-604. Preemption of local authorities -- Tow trucks.**  
2256 (1) As used in this section:  
2257 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party  
2258 described in Subsection [41-6a-1406\(5\)\(a\)](#) with an interest in the vehicle, vessel, or outboard  
2259 motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was  
2260 towed by a towing entity:  
2261 (i) pay the relevant fees; and  
2262 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.  
2263 (b) "Towing entity" means:  
2264 (i) a political subdivision of this state;  
2265 (ii) a state agency;  
2266 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation  
2267 Act; or  
2268 (iv) a special service district created under Title 17D, Chapter 1, Special Service  
2269 District Act.

2270           ~~[(1)]~~ (2) (a) Notwithstanding any other provision of law, a political subdivision of this  
2271 state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck  
2272 motor carrier, tow truck operator, or tow truck that conflicts with:

2273           (i) any provision of this part;

2274           (ii) Section [41-6a-1401](#);

2275           (iii) Section [41-6a-1407](#); or

2276           (iv) rules made by the department under this part.

2277           (b) A county or municipal legislative governing body may not charge a fee for the  
2278 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

2279           (i) is holding the vehicle, vessel, or outboard motor as evidence; and

2280           (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien  
2281 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent  
2282 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section  
2283 [41-6a-1406](#).

2284           ~~[(2)]~~ (3) A tow truck motor carrier that has a county or municipal business license for a  
2285 place of business located within that county or municipality may not be required to obtain  
2286 another business license in order to perform a tow truck service in another county or  
2287 municipality if there is not a business location in the other county or municipality.

2288           ~~[(3)]~~ (4) A county or municipal legislative or governing body may not require a tow  
2289 truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized  
2290 towing certificate by the department, as described in Section [72-9-602](#), to obtain an additional  
2291 towing certificate.

2292           ~~[(4)]~~ (5) A county or municipal legislative body may require an annual tow truck safety  
2293 inspection in addition to the inspections required under Sections [53-8-205](#) and [72-9-602](#) if:

2294           (a) no fee is charged for the inspection; and

2295           (b) the inspection complies with federal motor carrier safety regulations.

2296           ~~[(5)]~~ (6) (a) A tow truck shall be subject to only one annual safety inspection under

2297 Subsection ~~[(4)(b)]~~ (5)(b).

2298       **(b)** A county or municipality that requires the additional annual safety inspection shall  
2299 accept the same inspection performed by another county or municipality.

2300       ~~[(6)(a)(i) Beginning on July 1, 2021, a political subdivision or state agency may not~~  
2301 ~~charge an applicant a fee or charge related to dispatch costs in order to be part of the towing~~  
2302 ~~rotation of that political subdivision or state agency.]~~

2303       ~~[(ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D,~~  
2304 ~~Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to~~  
2305 ~~dispatch costs in order to be part of the towing rotation of that special service district.]~~

2306       ~~[(b) In addition to the fees set by the department in rules made in accordance with~~  
2307 ~~Subsection ~~72-9-603~~(16), a tow truck motor carrier may charge a fee to cover the costs of a~~  
2308 ~~dispatch charge described in Subsection (6)(a).]~~

2309       ~~[(c) The amount of the fee described in Subsection (6)(b) may not exceed the amount~~  
2310 ~~charged to the tow truck motor carrier for dispatch services under Subsection (6)(a).]~~

2311       ~~[(d) A political subdivision or state agency that does not charge a dispatch fee as of~~  
2312 ~~January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).]~~

2313       **(7)(a)(i)** If a towing entity uses a towing dispatch vendor described in Section  
2314 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a  
2315 dispatch vendor as described in Section 53-1-106.2.

2316       **(ii)** Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may  
2317 not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.

2318       **(b)(i)** Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a  
2319 towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee  
2320 to cover costs associated with providing towing dispatch and rotation service.

2321       **(ii)** A special service district created under Title 17D, Chapter 1, Special Service  
2322 District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a  
2323 fee related to dispatch costs.

2324 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may  
2325 not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch  
2326 and rotation service.

2327 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)  
2328 unless the relevant governing body of the towing entity has approved the fee amount.

2329 (d) In addition to fees set by the department in rules made in accordance with  
2330 Subsection [72-9-603](#)(16), a tow truck operator or a tow truck motor carrier may pass through a  
2331 fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed  
2332 vehicles, vessels, or outboard motors.

2333 (8) (a) In addition to the fees described in Subsection (7), a tow truck operator or tow  
2334 truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned  
2335 vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).

2336 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow  
2337 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed  
2338 an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).

2339 (c) (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,  
2340 based on data provided by the State Tax Commission, determine the percentage of vehicles,  
2341 vessels, or outboard motors that were abandoned during the previous year by:

2342 (A) determining the total number of vehicles, vessels, or outboard motors that were  
2343 towed as part of a towing entity's towing rotation during the previous calendar year that were  
2344 also abandoned; and

2345 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of  
2346 vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing  
2347 rotation during the previous calendar year.

2348 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall  
2349 publish:

2350 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and

2351            (B) the percentage described in Subsection (8)(c)(i).

2352            (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow

2353 truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the

2354 percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in

2355 Subsection (7)(a)(i) or (7)(b)(ii).

2356            (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the

2357 towing invoice any fee described in this Subsection (8).

2358            [~~7~~] (9) A towing entity may not require a tow truck operator who has received an

2359 authorized towing certificate from the department to submit additional criminal background

2360 check information for inclusion of the tow truck motor carrier on a rotation.

2361            [~~8~~] (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow

2362 truck operator that responds may not respond to the location in a tow truck that is owned by a

2363 tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.