

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53-8-105**, as last amended by Laws of Utah 2022, Chapter 447

34 **72-1-201**, as last amended by Laws of Utah 2022, Chapter 80

35

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

37 Section 1. Section **53-8-105** is amended to read:

38 **53-8-105. Duties of Highway Patrol.**

39 (1) In addition to the duties in this chapter, the Highway Patrol shall:

40 ~~[(1)]~~ (a) enforce the state laws and rules governing use of the state highways;

41 ~~[(2)]~~ (b) regulate traffic on all highways and roads of the state;

42 ~~[(3)]~~ (c) assist the governor in an emergency or at other times at his discretion;

43 ~~[(4)]~~ (d) in cooperation with federal, state, and local agencies, enforce and assist in the
44 enforcement of all state and federal laws related to the operation of a motor carrier on a
45 highway, including all state and federal rules and regulations;

46 ~~[(5)]~~ (e) inspect certain vehicles to determine road worthiness and safe condition as
47 provided in Section **41-6a-1630**;

48 ~~[(6)]~~ (f) upon request, assist with any condition of unrest existing or developing on a
49 campus or related facility of an institution of higher education;

50 ~~[(7)]~~ (g) assist the Alcoholic Beverage Services Commission in an emergency to
51 enforce the state liquor laws;

52 ~~[(8)]~~ (h) provide security and protection for both houses of the Legislature while in
53 session as the speaker of the House of Representatives and the president of the Senate find
54 necessary;

55 ~~[(9)]~~ (i) enforce the state laws and rules governing use of the capitol hill complex as
56 defined in Section **63C-9-102**; and

57 ~~[(10)]~~ (j) carry out the following for the Supreme Court and the Court of Appeals:

58 ~~[(a)]~~ (i) provide security and protection to those courts when in session in the capital

59 city of the state;

60 ~~[(b)]~~ (ii) execute orders issued by the courts; and

61 ~~[(c)]~~ (iii) carry out duties as directed by the courts.

62 (2) (a) The division and the department shall annually:

63 (i) evaluate the inventory of new and existing state highways, in coordination with
 64 relevant local law enforcement agencies, to determine which law enforcement agency is best
 65 suited to patrol and enforce state laws and regulate traffic on each state highway; and

66 (ii) before October 1 of each year, report to the Transportation Interim Committee and
 67 the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:

68 (A) significant changes to the patrol and enforcement responsibilities resulting from
 69 the evaluation described in Subsection (2)(a)(i); and

70 (B) any budget request necessary to accommodate additional patrol and enforcement
 71 responsibilities.

72 (b) The division and the department shall, before July 1 of each year, coordinate with
 73 the Department of Transportation created in Section [72-1-201](#) regarding patrol and
 74 enforcement responsibilities described in Subsection (2)(a) and incident management services
 75 on state highways.

76 Section 2. Section **72-1-201** is amended to read:

77 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
 78 **rights, and responsibilities.**

79 (1) There is created the Department of Transportation which shall:

80 (a) have the general responsibility for planning, research, design, construction,
 81 maintenance, security, and safety of state transportation systems;

82 (b) provide administration for state transportation systems and programs;

83 (c) implement the transportation policies of the state;

84 (d) plan, develop, construct, and maintain state transportation systems that are safe,
 85 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
 86 industry;

87 (e) establish standards and procedures regarding the technical details of administration
 88 of the state transportation systems as established by statute and administrative rule;

89 (f) advise the governor and the Legislature about state transportation systems needs;

90 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
91 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
92 rights-of-way;

93 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
94 make rules for the administration of the department, state transportation systems, and
95 programs;

96 (i) jointly with the commission annually report to the Transportation Interim
97 Committee, by November 30 of each year, as to the operation, maintenance, condition,
98 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

99 (j) ensure that any training or certification required of a public official or public
100 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
101 22, State Training and Certification Requirements, if the training or certification is required:

102 (i) under this title;

103 (ii) by the department; or

104 (iii) by an agency or division within the department; [~~and~~]

105 (k) study and make recommendations to the Legislature on potential managed lane use
106 and implementation on selected transportation systems within the state[-]; and

107 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division
108 created in Section 53-8-103 regarding:

109 (i) future highway projects that will add additional capacity to the state transportation
110 system;

111 (ii) potential changes in law enforcement responsibilities due to future highway
112 projects; and

113 (iii) incident management services on state highways.

114 (2) (a) The department shall exercise reasonable care in designing, constructing, and
115 maintaining a state highway in a reasonably safe condition for travel.

116 (b) Nothing in this section shall be construed as:

117 (i) creating a private right of action; or

118 (ii) expanding or changing the department's common law duty as described in
119 Subsection (2)(a) for liability purposes.