

Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to station area plans for public transit;
- ▶ amends provisions related to the compensation for a member of the board of trustees of a large public transit district;
- ▶ prohibits an individual from passing a snowplow on the side where the snowplow blade is deployed;
- ▶ prohibits an individual from passing three or more snowplows operating in echelon formation;
- ▶ requires an individual operating a motor vehicle to move over to avoid a vehicle stopped on the side of a highway;
- ▶ amends provisions related to license plate requirements for a vintage vehicle;
- ▶ amends a required local match of funds to qualify for certain transportation related 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34 ▶ removes outdated language.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-401, as last amended by Laws of Utah 2022, Chapters 282, 406

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-1201, as last amended by Laws of Utah 2022, Chapter 259

48 41-6a-102, as last amended by Laws of Utah 2022, Chapters 86, 92 and 104

49 41-6a-704, as last amended by Laws of Utah 2019, Chapter 49

50 41-6a-705, as last amended by Laws of Utah 2015, Chapter 412

51 41-6a-904, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

52 41-21-1, as last amended by Laws of Utah 2022, Chapter 259

53 53-3-109, as last amended by Laws of Utah 2020, Chapter 428

54 63I-1-241, as last amended by Laws of Utah 2022, Chapters 68, 92, 104, and 110

55 72-1-202, as last amended by Laws of Utah 2022, Chapter 69

56 72-1-203, as last amended by Laws of Utah 2019, Chapter 479

- 57 **72-1-301**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 58 **72-1-302**, as last amended by Laws of Utah 2020, Chapter 373
- 59 **72-1-303**, as last amended by Laws of Utah 2022, Chapter 99
- 60 **72-1-304**, as last amended by Laws of Utah 2022, Chapter 406
- 61 **72-1-305**, as last amended by Laws of Utah 2018, Chapter 424
- 62 **72-2-124**, as last amended by Laws of Utah 2022, Chapters 69, 259 and 406
- 63 **72-5-117**, as last amended by Laws of Utah 2011, Chapter 289
- 64 **72-9-604**, as last amended by Laws of Utah 2020, Chapters 45, 420

65 ENACTS:

66 **41-6a-718**, Utah Code Annotated 1953

67 REPEALS AND REENACTS:

68 **53-1-106.2**, as enacted by Laws of Utah 2022, Chapter 259



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

71 Section 1. Section **10-9a-401** is amended to read:

72 **10-9a-401. General plan required -- Content.**

73 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt
74 a comprehensive, long-range general plan for:

- 75 (a) present and future needs of the municipality; and
- 76 (b) growth and development of all or any part of the land within the municipality.

77 (2) The general plan may provide for:

78 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
79 activities, aesthetics, and recreational, educational, and cultural opportunities;

80 (b) the reduction of the waste of physical, financial, or human resources that result
81 from either excessive congestion or excessive scattering of population;

82 (c) the efficient and economical use, conservation, and production of the supply of:

- 83 (i) food and water; and
- 84 (ii) drainage, sanitary, and other facilities and resources;

85 (d) the use of energy conservation and solar and renewable energy resources;

86 (e) the protection of urban development;

87 (f) if the municipality is a town, the protection or promotion of moderate income

88 housing;

89 (g) the protection and promotion of air quality;

90 (h) historic preservation;

91 (i) identifying future uses of land that are likely to require an expansion or significant

92 modification of services or facilities provided by an affected entity; and

93 (j) an official map.

94 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,

95 shall include a moderate income housing element that meets the requirements of Subsection

96 10-9a-403(2)(a)(iii).

97 (b) On or before October 1, 2022, a specified municipality, as defined in Section

98 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the

99 general plan to comply with Subsection (3)(a).

100 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the

101 comprehensiveness, extent, and format of the general plan.

102 (5) A municipality shall send the adopted or modified general plan to the relevant

103 association of government within 45 days of the date of adoption.

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

105 **10-9a-403. General plan preparation.**

106 (1) (a) The planning commission shall provide notice, as provided in Section

107 10-9a-203, of the planning commission's intent to make a recommendation to the municipal

108 legislative body for a general plan or a comprehensive general plan amendment when the

109 planning commission initiates the process of preparing the planning commission's

110 recommendation.

111 (b) The planning commission shall make and recommend to the legislative body a

112 proposed general plan for the area within the municipality.

113 (c) The plan may include areas outside the boundaries of the municipality if, in the

114 planning commission's judgment, those areas are related to the planning of the municipality's

115 territory.

116 (d) Except as otherwise provided by law or with respect to a municipality's power of

117 eminent domain, when the plan of a municipality involves territory outside the boundaries of

118 the municipality, the municipality may not take action affecting that territory without the

119 concurrence of the county or other municipalities affected.

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

123 (i) a land use element that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

181 housing;

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

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

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

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

191 (F) zone or rezone for higher density or moderate income residential development in
192 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
193 employment centers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

246 (A) the strategy described in Subsection (2)(b)(iii)(V); and

247 (B) a strategy described in Subsection (2)(b)(iii)(G), (H), or (Q).

248 (c) (i) In drafting the implementation plan portion of the moderate income housing
249 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
250 timeline for implementing each of the moderate income housing strategies selected by the
251 municipality for implementation.

252 (ii) The timeline described in Subsection (2)(c)(i) shall:

253 (A) identify specific measures and benchmarks for implementing each moderate
254 income housing strategy selected by the municipality, whether one-time or ongoing; and

255 (B) provide flexibility for the municipality to make adjustments as needed.

256 (d) In drafting the land use element, the planning commission shall:

257 (i) identify and consider each agriculture protection area within the municipality;

258 (ii) avoid proposing a use of land within an agriculture protection area that is
259 inconsistent with or detrimental to the use of the land for agriculture; and

260 (iii) consider and coordinate with any station area plans adopted by the municipality if
261 required under Section [10-9a-403.1](#).

262 (e) In drafting the transportation and traffic circulation element, the planning
263 commission shall:

264 (i) (A) consider and coordinate with the regional transportation plan developed by the
265 municipality's region's metropolitan planning organization, if the municipality is within the
266 boundaries of a metropolitan planning organization; or

267 (B) consider and coordinate with the long-range transportation plan developed by the
268 Department of Transportation, if the municipality is not within the boundaries of a
269 metropolitan planning organization; and

270 (ii) consider and coordinate with any station area plans adopted by the municipality if
271 required under Section [10-9a-403.1](#).

272 (f) In drafting the water use and preservation element, the planning commission:

273 (i) shall consider:

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

- 305 (A) creating a water budget associated with a particular type of development;
- 306 (B) adopting new or modified lot size, configuration, and landscaping standards that
- 307 will reduce water demand for new single family development;
- 308 (C) providing one or more water reduction incentives for existing development such as
- 309 modification of existing landscapes and irrigation systems and installation of water fixtures or
- 310 systems that minimize water demand;
- 311 (D) discouraging incentives for economic development activities that do not adequately
- 312 account for water use or do not include strategies for reducing water demand; and
- 313 (E) adopting water concurrency standards requiring that adequate water supplies and
- 314 facilities are or will be in place for new development; and
- 315 (vii) for a town, may include, and for another municipality, shall include, a
- 316 recommendation for low water use landscaping standards for a new:
 - 317 (A) commercial, industrial, or institutional development;
 - 318 (B) common interest community, as defined in Section 57-25-102; or
 - 319 (C) multifamily housing project.
- 320 (3) The proposed general plan may include:
 - 321 (a) an environmental element that addresses:
 - 322 (i) the protection, conservation, development, and use of natural resources, including
 - 323 the quality of:
 - 324 (A) air;
 - 325 (B) forests;
 - 326 (C) soils;
 - 327 (D) rivers;
 - 328 (E) groundwater and other waters;
 - 329 (F) harbors;
 - 330 (G) fisheries;
 - 331 (H) wildlife;
 - 332 (I) minerals; and
 - 333 (J) other natural resources; and
 - 334 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
 - 335 of streams and other waters;

- 336 (B) the regulation of the use of land on hillsides, stream channels and other
- 337 environmentally sensitive areas;
- 338 (C) the prevention, control, and correction of the erosion of soils;
- 339 (D) the preservation and enhancement of watersheds and wetlands; and
- 340 (E) the mapping of known geologic hazards;
- 341 (b) a public services and facilities element showing general plans for sewage, water,
- 342 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 343 police and fire protection, and other public services;
- 344 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 345 programs for:
 - 346 (i) historic preservation;
 - 347 (ii) the diminution or elimination of a development impediment as defined in Section
 - 348 17C-1-102; and
 - 349 (iii) redevelopment of land, including housing sites, business and industrial sites, and
 - 350 public building sites;
 - 351 (d) an economic element composed of appropriate studies and forecasts, as well as an
 - 352 economic development plan, which may include review of existing and projected municipal
 - 353 revenue and expenditures, revenue sources, identification of basic and secondary industry,
 - 354 primary and secondary market areas, employment, and retail sales activity;
 - 355 (e) recommendations for implementing all or any portion of the general plan, including
 - 356 the adoption of land and water use ordinances, capital improvement plans, community
 - 357 development and promotion, and any other appropriate action;
 - 358 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
 - 359 and
 - 360 (g) any other element the municipality considers appropriate.

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

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

364 (1) As used in this section:

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

367 is located.

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

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

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

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

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

377 (g) "Qualifying land use application" means a land use application:

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

380 (ii) that involves land located within a station area for which the municipality has not
381 yet satisfied the requirements of Subsection (2)(a);

382 (iii) that proposes the development of an area greater than five contiguous acres, with
383 no less than 51% of the acreage within the station area;

384 (iv) that would require the municipality to amend the municipality's general plan or
385 change a zoning designation for the land use application to be approved;

386 (v) that would require a higher density than the density currently allowed by the
387 municipality;

388 (vi) that proposes the construction of new residential units, at least 10% of which are
389 dedicated to moderate income housing; and

390 (vii) for which the land use applicant requests the municipality to initiate the process of
391 satisfying the requirements of Subsection (2)(a) for the station area in which the development
392 is proposed, subject to Subsection (3)(d).

393 (h) (i) "Station area" means:

394 (A) for a fixed guideway public transit station that provides rail services, the area
395 within a one-half mile radius of the center of the fixed guideway public transit station platform;
396 or

397 (B) for a fixed guideway public transit station that provides bus services only, the area

398 within a one-fourth mile radius of the center of the fixed guideway public transit station
399 platform.

400 (ii) "Station area" includes any parcel bisected by the radius limitation described in
401 Subsection (1)(h)(i)(A) or (B).

402 (i) "Station area plan" means a plan that:

403 (i) establishes a vision, and the actions needed to implement that vision, for the
404 development of land within a station area; and

405 (ii) is developed and adopted in accordance with this section.

406 (2) (a) Subject to the requirements of this section, a municipality that has a fixed
407 guideway public transit station located within the municipality's boundaries shall, for the
408 station area:

409 (i) develop and adopt a station area plan; and

410 (ii) adopt any appropriate land use regulations to implement the station area plan.

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

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

417 (B) the municipality adopts a resolution demonstrating the requirements of Subsection
418 (2)(a) have been satisfied; or

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

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

427 (c) To the extent that previous actions by a municipality do not satisfy the requirements
428 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to

429 satisfy those requirements.

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

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

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

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

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

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

447 (A) if a municipality receives a complete qualifying land use application on or before
448 July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station
449 area in which the development is proposed on or before July 1, 2023; and

450 (B) if a municipality receives a complete qualifying land use application after July 1,
451 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in
452 which the development is proposed within a 12-month period beginning on the first day of the
453 month immediately following the month in which the qualifying land use application is
454 submitted to the municipality, and shall notify the applicable metropolitan planning
455 organization of the receipt of the application within 45 days of the date of receipt.

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

458 (B) If a municipality receives more than two complete qualifying land use applications
459 on or before July 1, 2022, the municipality shall select two station areas for which the

460 municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection
461 (3)(d)(i)(A).

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

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

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

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

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

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

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

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

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

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

488 (b) An applicable metropolitan planning organization that receives funds from the
489 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the
490 funds, give priority consideration to requests for technical assistance for station area plans

491 required under Subsection (3)(d).

492 (7) (a) A station area plan shall promote the following objectives within the station
493 area:

494 (i) increasing the availability and affordability of housing, including moderate income
495 housing;

496 (ii) promoting sustainable environmental conditions;

497 (iii) enhancing access to opportunities; and

498 (iv) increasing transportation choices and connections.

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

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

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

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

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

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

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

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

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

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

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

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

520 (B) encouraging mixed-use development;

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

- 522 (D) encouraging and promoting enhanced broadband connectivity; or
523 (E) any other similar action that promotes the objective described in Subsection
524 (7)(a)(iii).
- 525 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may
526 consider the following:
- 527 (A) supporting investment in infrastructure for all modes of transportation;
528 (B) increasing utilization of public transit;
529 (C) encouraging safe streets through the designation of pedestrian walkways and
530 bicycle lanes;
531 (D) encouraging manageable and reliable traffic conditions;
532 (E) aligning the station area plan with the regional transportation plan of the applicable
533 metropolitan planning organization; or
534 (F) any other similar action that promotes the objective described in Subsection
535 (7)(a)(iv).
- 536 (8) A station area plan shall include the following components:
537 (a) a station area vision that:
538 (i) is consistent with Subsection (7); and
539 (ii) describes the following:
540 (A) opportunities for the development of land within the station area under existing
541 conditions;
542 (B) constraints on the development of land within the station area under existing
543 conditions;
544 (C) the municipality's objectives for the transportation system within the station area
545 and the future transportation system that meets those objectives;
546 (D) the municipality's objectives for land uses within the station area and the future
547 land uses that meet those objectives;
548 (E) the municipality's objectives for public and open spaces within the station area and
549 the future public and open spaces that meet those objectives; and
550 (F) the municipality's objectives for the development of land within the station area and
551 the future development standards that meet those objectives;
552 (b) a map that depicts:

553 (i) the area within the municipality that is subject to the station area plan, provided that
554 the station area plan may apply to areas outside of the station area; and
555 (ii) the area where each action is needed to implement the station area plan;
556 (c) an implementation plan that identifies and describes each action needed within the
557 next five years to implement the station area plan, and the party responsible for taking each
558 action, including any actions to:
559 (i) modify land use regulations;
560 (ii) make infrastructure improvements;
561 (iii) modify deeds or other relevant legal documents;
562 (iv) secure funding or develop funding strategies;
563 (v) establish design standards for development within the station area; or
564 (vi) provide environmental remediation;
565 (d) a statement that explains how the station area plan promotes the objectives
566 described in Subsection (7)(a); and
567 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for
568 purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make
569 the following impracticable:
570 (i) promoting the objectives described in Subsection (7)(a); or
571 (ii) satisfying the requirements of this Subsection (8).
572 (9) A municipality shall develop a station area plan with the involvement of all
573 relevant stakeholders that have an interest in the station area through public outreach and
574 community engagement, including:
575 (a) other impacted communities;
576 (b) the applicable public transit district;
577 (c) the applicable metropolitan planning organization;
578 (d) the Department of Transportation;
579 (e) owners of property within the station area; and
580 (f) the municipality's residents and business owners.
581 (10) (a) A municipality that is required to develop and adopt a station area plan for a
582 station area under this section shall submit to the applicable metropolitan planning organization
583 and the applicable public transit district documentation evidencing that the municipality has

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

585 (i) a station area plan; or

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

587 (b) The applicable metropolitan planning organization, in consultation with the

588 applicable public transit district, shall:

589 (i) review the documentation submitted under Subsection (10)(a) to determine the

590 municipality's compliance with this section; and

591 (ii) provide written certification to the municipality if the applicable metropolitan

592 planning organization determines that the municipality has satisfied the requirement of

593 Subsection (2)(a)(i) for the station area.

594 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)

595 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

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

597 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**

598 **duties.**

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

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

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

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

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

610 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory
611 council.

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

614 (iv) The council of governments of Davis County and Weber County shall each appoint

615 one member to the local advisory council.

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

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

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

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

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

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

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

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

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

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

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

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

644 (5) The local advisory council shall meet at least quarterly with and consult with the
645 board of trustees and advise regarding the operation and management of the public transit

646 district.

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

648 **20A-7-601. Referenda -- General signature requirements -- Signature**
649 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
650 **Time requirements.**

651 (1) As used in this section:

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

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

656 (c) "Qualifying transit area" means:

657 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
658 jurisdiction over the station area has satisfied the requirements of Subsection
659 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or resolution under
660 Subsection 10-9a-403.1(2); or

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

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

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

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

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

672 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
673 or (2)(b).

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

- 677 (a) for a county of the first class:
 - 678 (i) 7.75% of the number of active voters in the county; and
 - 679 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
 - 680 of the county's voter participation areas;
- 681 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 682 class:
 - 683 (i) 7.5% of the number of active voters in the metro township or city; and
 - 684 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
 - 685 of the metro township's or city's voter participation areas;
- 686 (c) for a county of the second class:
 - 687 (i) 8% of the number of active voters in the county; and
 - 688 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
 - 689 the county's voter participation areas;
- 690 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 691 a city of the second class:
 - 692 (i) 8.25% of the number of active voters in the metro township or city; and
 - 693 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
 - 694 of the metro township's or city's voter participation areas;
- 695 (e) for a county of the third class:
 - 696 (i) 9.5% of the number of active voters in the county; and
 - 697 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
 - 698 of the county's voter participation areas;
- 699 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 700 city of the third class:
 - 701 (i) 10% of the number of active voters in the metro township or city; and
 - 702 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
 - 703 of the metro township's or city's voter participation areas;
- 704 (g) for a county of the fourth class:
 - 705 (i) 11.5% of the number of active voters in the county; and
 - 706 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
 - 707 of the county's voter participation areas;

708 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
709 city of the fourth class:

710 (i) 11.5% of the number of active voters in the metro township or city; and

711 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
712 of the metro township's or city's voter participation areas;

713 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
714 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
715 township, city, or county; or

716 (j) for a metro township with a population of less than 1,000, a town, or a county of the
717 sixth class, 35% of the number of active voters in the metro township, town, or county.

718 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
719 use law or local obligation law passed by the local legislative body submitted to a vote of the
720 people shall obtain legal signatures equal to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

746 (i) 29% of the number of active voters in the metro township or city; and

747 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
748 of the metro township's or city's voter participation areas;

749 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
750 city of the fifth class, 35% of the number of active voters in the metro township or city; or

751 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
752 number of active voters in the metro township or town.

753 (4) A person seeking to have a subjurisdictional law passed by the local legislative
754 body submitted to a vote of the people shall obtain legal signatures of the residents in the
755 subjurisdiction equal to:

756 (a) 10% of the number of active voters in the subjurisdiction if the number of active
757 voters exceeds 25,000;

758 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
759 active voters does not exceed 25,000 but is more than 10,000;

760 (c) 15% of the number of active voters in the subjurisdiction if the number of active
761 voters does not exceed 10,000 but is more than 2,500;

762 (d) 20% of the number of active voters in the subjurisdiction if the number of active
763 voters does not exceed 2,500 but is more than 500;

764 (e) 25% of the number of active voters in the subjurisdiction if the number of active
765 voters does not exceed 500 but is more than 250; and

766 (f) 30% of the number of active voters in the subjurisdiction if the number of active
767 voters does not exceed 250.

768 (5) An eligible voter seeking to have a transit area land use law passed by the local
769 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

- 770 (a) for a county:
- 771 (i) 20% of the number of active voters in the county; and
- 772 (ii) 21% of the number of active voters in at least 75% of the county's voter
- 773 participation areas;
- 774 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 775 class:
- 776 (i) 20% of the number of active voters in the metro township or city; and
- 777 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
- 778 voter participation areas;
- 779 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
- 780 a city of the second class:
- 781 (i) 20% of the number of active voters in the metro township or city; and
- 782 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
- 783 voter participation areas;
- 784 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 785 city of the third class:
- 786 (i) 34% of the number of active voters in the metro township or city; and
- 787 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
- 788 voter participation areas;
- 789 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a
- 790 city of the fourth class:
- 791 (i) 36% of the number of active voters in the metro township or city; and
- 792 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's
- 793 voter participation areas; or
- 794 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a
- 795 town, 40% of the number of active voters in the metro township, city, or town.
- 796 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or
- 797 (5), any local law passed by a local legislative body shall file the application before 5 p.m.
- 798 within seven days after the day on which the local law was passed.
- 799 (7) Nothing in this section authorizes a local legislative body to impose a tax or other
- 800 payment obligation on a subjurisdiction in order to benefit an area outside of the

801 subjurisdiction.

802 Section 6. Section **41-1a-1201** is amended to read:

803 **41-1a-1201. Disposition of fees.**

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

806 (2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections [41-1a-422](#),
807 [41-1a-1205](#), [41-1a-1220](#), [41-1a-1221](#), [41-1a-1222](#), and [41-1a-1223](#) all fees collected under this
808 part shall be deposited into the Transportation Fund.

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

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

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

817 (b) Three dollars of the registration fees imposed under Subsections [41-1a-1206](#)(2)(a)
818 and (b) for each vehicle registered for a six-month registration period under Section
819 [41-1a-215.5](#) may be used by the commission to cover the costs incurred in enforcing and
820 administering this part.

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

824 (6) (a) The following portions of the registration fees imposed under Section
825 [41-1a-1206](#) for each vehicle shall be deposited into the Transportation Investment Fund of
826 2005 created under Section [72-2-124](#):

827 (i) \$30 of the registration fees imposed under Subsections [41-1a-1206](#)(1)(a), (1)(b),
828 (1)(f), (4), and (7);

829 (ii) \$21 of the registration fees imposed under Subsections [41-1a-1206](#)(1)(c)(i) and
830 (1)(c)(ii);

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

- 832 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
- 833 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and
- 834 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

835 (b) The following portions of the registration fees collected for each vehicle registered
836 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the
837 Transportation Investment Fund of 2005 created by Section 72-2-124:

- 838 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
- 839 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

840 (7) (a) Ninety-four cents of each registration fee imposed under Subsections
841 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
842 Account created in Section 53-3-106.

843 (b) Seventy-one cents of each registration fee imposed under Subsections
844 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
845 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in
846 Section 53-3-106.

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

850 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)
851 and (b) for each vehicle registered for a six-month registration period under Section
852 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account
853 created in Section 53-8-214.

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

857 Section 7. Section 41-6a-102 is amended to read:

858 **41-6a-102. Definitions.**

859 As used in this chapter:

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

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

863 41-22-2.

864 (3) "Authorized emergency vehicle" includes:

865 (a) fire department vehicles;

866 (b) police vehicles;

867 (c) ambulances; and

868 (d) other publicly or privately owned vehicles as designated by the commissioner of the
869 Department of Public Safety.

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

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

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

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

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

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

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

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

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

879 (i) designed for carrying more than 15 passengers and used for the transportation of
880 persons; or

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

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

883 (7) (a) "Circular intersection" means an intersection that has an island, generally
884 circular in design, located in the center of the intersection where traffic passes to the right of
885 the island.

886 (b) "Circular intersection" includes:

887 (i) roundabouts;

888 (ii) rotaries; and

889 (iii) traffic circles.

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

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

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

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

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

898 (a) designed primarily for through traffic; and

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

902 (13) "Crosswalk" means:

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

905 (i) (A) the curbs; or

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

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

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

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

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

914 (a) visual contact is maintained; and

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

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

917 (a) an unpaved intervening space;

918 (b) a physical barrier; or

919 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

920 (17) "Echelon formation" means the operation of two or more snowplows arranged
921 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
922 from two or more lanes at once.

923 [~~(17)~~] (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

924 (a) has a power output of not more than 750 watts;

- 925 (b) has fully operable pedals on permanently affixed cranks;
- 926 (c) is fully operable as a bicycle without the use of the electric motor; and
- 927 (d) is one of the following:
 - 928 (i) an electric assisted bicycle equipped with a motor or electronics that:
 - 929 (A) provides assistance only when the rider is pedaling; and
 - 930 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
 - 931 hour;
 - 932 (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - 933 (A) may be used exclusively to propel the bicycle; and
 - 934 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
 - 935 miles per hour; or
 - 936 (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - 937 (A) provides assistance only when the rider is pedaling;
 - 938 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
 - 939 hour; and
 - 940 (C) is equipped with a speedometer.
- 941 ~~[(18)]~~ (19) (a) "Electric personal assistive mobility device" means a self-balancing
- 942 device with:
 - 943 (i) two nontandem wheels in contact with the ground;
 - 944 (ii) a system capable of steering and stopping the unit under typical operating
 - 945 conditions;
 - 946 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - 947 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - 948 (v) a deck design for a person to stand while operating the device.
- 949 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 950 ~~[(19)]~~ (20) "Explosives" means a chemical compound or mechanical mixture
- 951 commonly used or intended for the purpose of producing an explosion and that contains any
- 952 oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
- 953 that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 954 compound or mixture may cause a sudden generation of highly heated gases, and the resultant
- 955 gaseous pressures are capable of producing destructive effects on contiguous objects or of

956 causing death or serious bodily injury.

957 ~~[(20)]~~ (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
958 implement, for drawing plows, mowing machines, and other implements of husbandry.

959 ~~[(21)]~~ (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or
960 less, as determined by a Tagliabue or equivalent closed-cup test device.

961 ~~[(22)]~~ (23) "Freeway" means a controlled-access highway that is part of the interstate
962 system as defined in Section [72-1-102](#).

963 ~~[(23)]~~ (24) (a) "Golf cart" means a device that:

964 (i) is designed for transportation by players on a golf course;

965 (ii) has not less than three wheels in contact with the ground;

966 (iii) has an unladen weight of less than 1,800 pounds;

967 (iv) is designed to operate at low speeds; and

968 (v) is designed to carry not more than six persons including the driver.

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

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

971 (ii) a motorized wheelchair;

972 (iii) an electric personal assistive mobility device;

973 (iv) an electric assisted bicycle;

974 (v) a motor assisted scooter;

975 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or

976 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

977 ~~[(24)]~~ (25) "Gore area" means the area delineated by two solid white lines that is
978 between a continuing lane of a through roadway and a lane used to enter or exit the continuing
979 lane including similar areas between merging or splitting highways.

980 ~~[(25)]~~ (26) "Gross weight" means the weight of a vehicle without a load plus the
981 weight of any load on the vehicle.

982 ~~[(26)]~~ (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

983 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and

984 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
985 highway or railroad tracks.

986 ~~[(27)]~~ (28) "Highway" means the entire width between property lines of every way or

987 place of any nature when any part of it is open to the use of the public as a matter of right for
988 vehicular travel.

989 ~~[(28)]~~ (29) "Highway authority" means the same as that term is defined in Section
990 72-1-102.

991 ~~[(29)]~~ (30) (a) "Intersection" means the area embraced within the prolongation or
992 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
993 of two or more highways that join one another.

994 (b) Where a highway includes two roadways 30 feet or more apart:

995 (i) every crossing of each roadway of the divided highway by an intersecting highway
996 is a separate intersection; and

997 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
998 every crossing of two roadways of the highways is a separate intersection.

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

1000 ~~[(30)]~~ (31) "Island" means an area between traffic lanes or at an intersection for control
1001 of vehicle movements or for pedestrian refuge designated by:

1002 (a) pavement markings, which may include an area designated by two solid yellow
1003 lines surrounding the perimeter of the area;

1004 (b) channelizing devices;

1005 (c) curbs;

1006 (d) pavement edges; or

1007 (e) other devices.

1008 ~~[(31)]~~ (32) "Lane filtering" means, when operating a motorcycle other than an
1009 autocycle, the act of overtaking and passing another vehicle that is stopped in the same
1010 direction of travel in the same lane.

1011 ~~[(32)]~~ (33) "Law enforcement agency" means the same as that term is as defined in
1012 Section 53-1-102.

1013 ~~[(33)]~~ (34) "Limited access highway" means a highway:

1014 (a) that is designated specifically for through traffic; and

1015 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
1016 persons have any right or easement, or have only a limited right or easement of access, light,
1017 air, or view.

1018 ~~[(34)]~~ (35) "Local highway authority" means the legislative, executive, or governing
1019 body of a county, municipal, or other local board or body having authority to enact laws
1020 relating to traffic under the constitution and laws of the state.

1021 ~~[(35)]~~ (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
1022 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
1023 (ii) has a capacity of not more than six passengers, including a conventional driver or
1024 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).

1025 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

1026 ~~[(36)]~~ (37) "Metal tire" means a tire, the surface of which in contact with the highway
1027 is wholly or partly of metal or other hard nonresilient material.

1028 ~~[(37)]~~ (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
1029 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
1030 properly inflated tires.

1031 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

1032 (c) "Mini-motorcycle" does not include a motorcycle that is:

1033 (i) designed for off-highway use; and

1034 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

1035 ~~[(38)]~~ (39) "Mobile home" means:

1036 (a) a trailer or semitrailer that is:

1037 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
1038 place either permanently or temporarily; and

1039 (ii) equipped for use as a conveyance on streets and highways; or

1040 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
1041 constructed for use as a mobile home, as defined in Subsection ~~[(38)]~~ (39)(a), but that is
1042 instead used permanently or temporarily for:

1043 (i) the advertising, sale, display, or promotion of merchandise or services; or

1044 (ii) any other commercial purpose except the transportation of property for hire or the
1045 transportation of property for distribution by a private carrier.

1046 ~~[(39)]~~ (40) "Mobility disability" means the inability of a person to use one or more of
1047 the person's extremities or difficulty with motor skills, that may include limitations with
1048 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other

1049 condition.

1050 [~~(40)~~] (41) (a) "Moped" means a motor-driven cycle having:

1051 (i) pedals to permit propulsion by human power; and

1052 (ii) a motor that:

1053 (A) produces not more than two brake horsepower; and

1054 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
1055 level ground.

1056 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
1057 centimeters and the moped shall have a power drive system that functions directly or
1058 automatically without clutching or shifting by the operator after the drive system is engaged.

1059 (c) "Moped" does not include:

1060 (i) an electric assisted bicycle; or

1061 (ii) a motor assisted scooter.

1062 [~~(41)~~] (42) (a) "Motor assisted scooter" means a self-propelled device with:

1063 (i) at least two wheels in contact with the ground;

1064 (ii) a braking system capable of stopping the unit under typical operating conditions;

1065 (iii) an electric motor not exceeding 2,000 watts;

1066 (iv) either:

1067 (A) handlebars and a deck design for a person to stand while operating the device; or

1068 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
1069 the device;

1070 (v) a design for the ability to be propelled by human power alone; and

1071 (vi) a maximum speed of 20 miles per hour on a paved level surface.

1072 (b) "Motor assisted scooter" does not include:

1073 (i) an electric assisted bicycle; or

1074 (ii) a motor-driven cycle.

1075 [~~(42)~~] (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
1076 is propelled by electric power obtained from overhead trolley wires, but not operated upon
1077 rails.

1078 (b) "Motor vehicle" does not include:

1079 (i) vehicles moved solely by human power;

- 1080 (ii) motorized wheelchairs;
- 1081 (iii) an electric personal assistive mobility device;
- 1082 (iv) an electric assisted bicycle;
- 1083 (v) a motor assisted scooter;
- 1084 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 1085 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 1086 [~~43~~] [\(44\)](#) "Motorcycle" means:
- 1087 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 1088 and designed to travel with not more than three wheels in contact with the ground; or
- 1089 (b) an auticycle.
- 1090 [~~44~~] [\(45\)](#) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 1091 bicycle having:
- 1092 (i) an engine with less than 150 cubic centimeters displacement; or
- 1093 (ii) a motor that produces not more than five horsepower.
- 1094 (b) "Motor-driven cycle" does not include:
- 1095 (i) an electric personal assistive mobility device;
- 1096 (ii) a motor assisted scooter; or
- 1097 (iii) an electric assisted bicycle.
- 1098 [~~45~~] [\(46\)](#) "Off-highway implement of husbandry" means the same as that term is
- 1099 defined under Section [41-22-2](#).
- 1100 [~~46~~] [\(47\)](#) "Off-highway vehicle" means the same as that term is defined under Section
- 1101 [41-22-2](#).
- 1102 [~~47~~] [\(48\)](#) "Operate" means the same as that term is defined in Section [41-1a-102](#).
- 1103 [~~48~~] [\(49\)](#) "Operator" means:
- 1104 (a) a human driver, as defined in Section [41-26-102.1](#), that operates a vehicle; or
- 1105 (b) an automated driving system, as defined in Section [41-26-102.1](#), that operates a
- 1106 vehicle.
- 1107 [~~49~~] [\(50\)](#) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling
- 1108 stock, or other device operated, alone or coupled with another device, on stationary rails.
- 1109 [~~50~~] [\(51\)](#) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
- 1110 is occupied or not.

1111 (b) "Park" or "parking" does not include:

1112 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged
1113 in loading or unloading property or passengers; or

1114 (ii) a motor vehicle with an engaged automated driving system that has achieved a
1115 minimal risk condition, as those terms are defined in Section [41-26-102.1](#).

1116 [~~51~~] [\(52\)](#) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
1117 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
1118 traffic laws.

1119 [~~52~~] [\(53\)](#) "Pedestrian" means a person traveling:

1120 (a) on foot; or

1121 (b) in a wheelchair.

1122 [~~53~~] [\(54\)](#) "Pedestrian traffic-control signal" means a traffic-control signal used to
1123 regulate pedestrians.

1124 [~~54~~] [\(55\)](#) "Person" means a natural person, firm, copartnership, association,
1125 corporation, business trust, estate, trust, partnership, limited liability company, association,
1126 joint venture, governmental agency, public corporation, or any other legal or commercial entity.

1127 [~~55~~] [\(56\)](#) "Pole trailer" means a vehicle without motive power:

1128 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
1129 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

1130 (b) that is ordinarily used for transporting long or irregular shaped loads including
1131 poles, pipes, or structural members generally capable of sustaining themselves as beams
1132 between the supporting connections.

1133 [~~56~~] [\(57\)](#) "Private road or driveway" means every way or place in private ownership
1134 and used for vehicular travel by the owner and those having express or implied permission
1135 from the owner, but not by other persons.

1136 [~~57~~] [\(58\)](#) "Railroad" means a carrier of persons or property upon cars operated on
1137 stationary rails.

1138 [~~58~~] [\(59\)](#) "Railroad sign or signal" means a sign, signal, or device erected by
1139 authority of a public body or official or by a railroad and intended to give notice of the presence
1140 of railroad tracks or the approach of a railroad train.

1141 [~~59~~] [\(60\)](#) "Railroad train" means a locomotive propelled by any form of energy,

1142 coupled with or operated without cars, and operated upon rails.

1143 ~~[(60)]~~ (61) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
1144 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
1145 of direction, speed, and proximity that give rise to danger of collision unless one grants
1146 precedence to the other.

1147 ~~[(61)]~~ (62) (a) "Roadway" means that portion of highway improved, designed, or
1148 ordinarily used for vehicular travel.

1149 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
1150 them are used by persons riding bicycles or other human-powered vehicles.

1151 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
1152 a highway includes two or more separate roadways.

1153 ~~[(62)]~~ (63) "Safety zone" means the area or space officially set apart within a roadway
1154 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
1155 signs as to be plainly visible at all times while set apart as a safety zone.

1156 ~~[(63)]~~ (64) (a) "School bus" means a motor vehicle that:

1157 (i) complies with the color and identification requirements of the most recent edition of
1158 "Minimum Standards for School Buses"; and

1159 (ii) is used to transport school children to or from school or school activities.

1160 (b) "School bus" does not include a vehicle operated by a common carrier in
1161 transportation of school children to or from school or school activities.

1162 ~~[(64)]~~ (65) (a) "Semitrailer" means a vehicle with or without motive power:

1163 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
1164 and

1165 (ii) constructed so that some part of its weight and that of its load rests on or is carried
1166 by another vehicle.

1167 (b) "Semitrailer" does not include a pole trailer.

1168 ~~[(65)]~~ (66) "Shoulder area" means:

1169 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
1170 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
1171 or

1172 (b) that portion of the road contiguous to the roadway for accommodation of stopped

1173 vehicles, for emergency use, and for lateral support.

1174 ~~[(66)]~~ (67) "Sidewalk" means that portion of a street between the curb lines, or the
1175 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

1176 ~~[(67)]~~ (68) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
1177 that is designated for the use of a bicycle.

1178 (b) "Soft-surface trail" does not mean a trail:

1179 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
1180 federal law, regulation, or rule; or

1181 (ii) located in whole or in part on land granted to the state or a political subdivision
1182 subject to a conservation easement that prohibits the use of a motorized vehicle.

1183 ~~[(68)]~~ (69) "Solid rubber tire" means a tire of rubber or other resilient material that
1184 does not depend on compressed air for the support of the load.

1185 ~~[(69)]~~ (70) "Stand" or "standing" means the temporary halting of a vehicle, whether
1186 occupied or not, for the purpose of and while actually engaged in receiving or discharging
1187 passengers.

1188 ~~[(70)]~~ (71) "Stop" when required means complete cessation from movement.

1189 ~~[(71)]~~ (72) "Stop" or "stopping" when prohibited means any halting even momentarily
1190 of a vehicle, whether occupied or not, except when:

1191 (a) necessary to avoid conflict with other traffic; or

1192 (b) in compliance with the directions of a peace officer or traffic-control device.

1193 ~~[(72)]~~ (73) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
1194 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
1195 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
1196 Section 41-6a-1509.

1197 ~~[(73)]~~ (74) "Tow truck operator" means the same as that term is defined in Section
1198 72-9-102.

1199 ~~[(74)]~~ (75) "Tow truck motor carrier" means the same as that term is defined in Section
1200 72-9-102.

1201 ~~[(75)]~~ (76) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
1202 conveyances either singly or together while using any highway for the purpose of travel.

1203 ~~[(76)]~~ (77) "Traffic signal preemption device" means an instrument or mechanism

1204 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

1205 ~~[(77)]~~ (78) "Traffic-control device" means a sign, signal, marking, or device not
1206 inconsistent with this chapter placed or erected by a highway authority for the purpose of
1207 regulating, warning, or guiding traffic.

1208 ~~[(78)]~~ (79) "Traffic-control signal" means a device, whether manually, electrically, or
1209 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

1210 ~~[(79)]~~ (80) (a) "Trailer" means a vehicle with or without motive power designed for
1211 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
1212 part of its weight rests upon the towing vehicle.

1213 (b) "Trailer" does not include a pole trailer.

1214 ~~[(80)]~~ (81) "Truck" means a motor vehicle designed, used, or maintained primarily for
1215 the transportation of property.

1216 ~~[(81)]~~ (82) "Truck tractor" means a motor vehicle:

1217 (a) designed and used primarily for drawing other vehicles; and

1218 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
1219 tractor.

1220 ~~[(82)]~~ (83) "Two-way left turn lane" means a lane:

1221 (a) provided for vehicle operators making left turns in either direction;

1222 (b) that is not used for passing, overtaking, or through travel; and

1223 (c) that has been indicated by a lane traffic-control device that may include lane
1224 markings.

1225 ~~[(83)]~~ (84) "Urban district" means the territory contiguous to and including any street,
1226 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
1227 less than 100 feet, for a distance of a quarter of a mile or more.

1228 ~~[(84)]~~ (85) "Vehicle" means a device in, on, or by which a person or property is or may
1229 be transported or drawn on a highway, except a mobile carrier, as defined in Section
1230 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

1231 Section 8. Section **41-6a-704** is amended to read:

1232 **41-6a-704. Overtaking and passing vehicles proceeding in same direction.**

1233 (1) (a) ~~[\u0398\u0304]~~ Except as provided in Section [41-6a-718](#), on any highway:

1234 (i) the operator of a vehicle overtaking another vehicle proceeding in the same

1235 direction shall:

1236 (A) except as provided under Section 41-6a-705, promptly pass the overtaken vehicle
1237 on the left at a safe distance; and

1238 (B) enter a right-hand lane or the right side of the roadway only when safely clear of
1239 the overtaken vehicle;

1240 (ii) the operator of an overtaken vehicle:

1241 (A) shall give way to the right in favor of the overtaking vehicle; and

1242 (B) may not increase the speed of the vehicle until completely passed by the overtaking
1243 vehicle.

1244 (b) The exemption from the minimum speed regulations for a vehicle operating on a
1245 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a vehicle as
1246 required under Subsection (1)(a)(i)(A).

1247 (2) On a highway having more than one lane in the same direction, the operator of a
1248 vehicle traveling in the left general purpose lane:

1249 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
1250 overtaking vehicle by moving safely to a lane to the right; and

1251 (b) may not impede the movement or free flow of traffic in the left general purpose
1252 lane.

1253 (3) An operator of a vehicle traveling in the left general purpose lane that has a vehicle
1254 following directly behind the operator's vehicle at a distance so that less than two seconds
1255 elapse before reaching the location of the operator's vehicle when space is available for the
1256 operator to yield to the overtaking vehicle by traveling in the right-hand lane is prima facie
1257 evidence that the operator is violating Subsection (2).

1258 (4) The provisions of Subsection (2) do not apply to an operator of a vehicle traveling
1259 in the left general purpose lane when:

1260 (a) overtaking and passing another vehicle proceeding in the same direction in
1261 accordance with Subsection (1)(a)(i);

1262 (b) preparing to turn left or taking a different highway or an exit on the left;

1263 (c) responding to emergency conditions;

1264 (d) avoiding actual or potential traffic moving onto the highway from an acceleration
1265 or merging lane; or

1266 (e) following the direction of a traffic-control device that directs the use of a designated
1267 lane.

1268 (5) An individual may engage in lane filtering only when the following conditions
1269 exist:

1270 (a) the individual is operating a motorcycle;

1271 (b) the individual is on a roadway divided into two or more adjacent traffic lanes in the
1272 same direction of travel;

1273 (c) the individual is on a roadway with a speed limit of 45 miles per hour or less;

1274 (d) the vehicle being overtaken in the same lane is stopped;

1275 (e) the motorcycle is traveling at a speed of 15 miles per hour or less; and

1276 (f) the movement may be made safely.

1277 (6) A violation of Subsection (1), (2), or (5) is an infraction.

1278 Section 9. Section **41-6a-705** is amended to read:

1279 **41-6a-705. Passing on right -- When permissible.**

1280 (1) [~~The~~] Subject to Section [41-6a-718](#), the operator of a vehicle may overtake and
1281 pass on the right of another vehicle only:

1282 (a) when the vehicle overtaken is making or preparing to make a left turn; or

1283 (b) on a roadway with unobstructed pavement of sufficient width for two or more lines
1284 of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

1285 (2) The operator of a vehicle may overtake and pass another vehicle on the right only
1286 under conditions permitting the movement with safety.

1287 (3) Except for a person operating a bicycle, the operator of a vehicle may not overtake
1288 and pass another vehicle if the movement is made by driving off the roadway.

1289 (4) A violation of this section is an infraction.

1290 Section 10. Section **41-6a-718** is enacted to read:

1291 **41-6a-718. Operation of a snowplow -- Approaching a snowplow -- Prohibition to**
1292 **pass.**

1293 (1) (a) A snowplow operator shall ensure that a snowplow in operation on a highway
1294 displays flashing yellow lights.

1295 (b) An individual operating a snowplow as an agent of a highway authority, while
1296 engaged in the removal of snow or ice on a highway, may not be charged with a violation under

1297 this chapter related to parking, standing, turning, backing, or yielding the right-of-way.

1298 (c) Notwithstanding the exemptions described in Subsection (1)(b), an individual
1299 operating a snowplow shall operate the snowplow with reasonable care.

1300 (2) If a snowplow is displaying flashing yellow lights, an individual operating a vehicle
1301 in the vicinity of the snowplow may not pass or overtake a snowplow on a side of the
1302 snowplow where a plow blade is deployed.

1303 (3) If three or more snowplows are operating in echelon formation, an individual
1304 operating a vehicle in the vicinity of the snowplows may not overtake or pass the snowplows
1305 on either side of the snowplows.

1306 (4) A violation of Subsection (2) or (3) is an infraction.

1307 Section 11. Section **41-6a-904** is amended to read:

1308 **41-6a-904. Approaching emergency vehicle -- Necessary signals -- Stationary**
1309 **emergency vehicle -- Duties of respective operators.**

1310 (1) Except when otherwise directed by a peace officer, the operator of a vehicle, upon
1311 the immediate approach of an authorized emergency vehicle using audible or visual signals
1312 under Section [41-6a-212](#) or [41-6a-1625](#), shall:

1313 (a) yield the right-of-way and immediately move to a position parallel to, and as close
1314 as possible to, the right-hand edge or curb of the highway, clear of any intersection; and

1315 (b) then stop and remain stopped until the authorized emergency vehicle has passed.

1316 (2) (a) The operator of a vehicle, upon approaching a stationary authorized emergency
1317 vehicle that is displaying alternately flashing red, red and white, or red and blue lights, shall:

1318 (i) reduce the speed of the vehicle;

1319 (ii) provide as much space as practical to the stationary authorized emergency vehicle;

1320 and

1321 (iii) if traveling in a lane adjacent to the stationary authorized emergency vehicle and if
1322 practical, with due regard to safety and traffic conditions, make a lane change into a lane not
1323 adjacent to the authorized emergency vehicle.

1324 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
1325 stationary authorized emergency vehicle that is displaying alternately flashing red, red and
1326 white, or red and blue lights, the requirements in Subsection (2)(a) apply.

1327 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary

1328 authorized emergency vehicle that is displaying alternately flashing red, red and white, or red
1329 and blue lights, shall, if practical, with due regard to safety and traffic conditions, make a lane
1330 change out of the HOV lane into a lane not adjacent to the authorized emergency vehicle.

1331 (3) (a) The operator of a vehicle, upon approaching a stationary tow truck or highway
1332 maintenance vehicle that is displaying flashing amber lights, shall:

1333 (i) reduce the speed of the vehicle;

1334 (ii) provide as much space as practical to the stationary tow truck or highway
1335 maintenance vehicle; and

1336 (iii) if traveling in a lane adjacent to the stationary tow truck or highway maintenance
1337 vehicle, if practical and with due regard to safety and traffic conditions, make a lane change
1338 into a lane not adjacent to the tow truck or highway maintenance vehicle.

1339 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
1340 stationary tow truck or highway maintenance vehicle that is displaying flashing amber lights,
1341 the requirements in Subsection (3)(a) apply.

1342 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
1343 tow truck or highway maintenance vehicle that is displaying flashing amber lights, shall, if
1344 practical, with due regard to safety and traffic conditions, make a lane change out of the HOV
1345 lane into a lane not adjacent to the tow truck or highway maintenance vehicle.

1346 (4) (a) The operator of a vehicle, upon approaching a stationary vehicle adjacent to a
1347 highway that is not parked in an apparent legal parking area that has flashing hazard lights
1348 illuminated, shall:

1349 (i) reduce the speed of the vehicle;

1350 (ii) provide as much space as practical to the stationary vehicle; and

1351 (iii) if traveling in a lane adjacent to the stationary vehicle, if practical and with due
1352 regard to safety and traffic conditions, make a lane change into a lane not adjacent to the
1353 stationary vehicle.

1354 (b) (i) If the operator of a vehicle is traveling in an HOV lane, upon approaching a
1355 stationary vehicle as described in Subsection (4)(a), the requirements in Subsection (4)(a)
1356 apply.

1357 (ii) The operator of a vehicle traveling in an HOV lane, upon approaching a stationary
1358 vehicle as described in Subsection (4)(a), shall, if practical, with due regard to safety and traffic

1359 conditions, make a lane change out of the HOV lane into a lane not adjacent to the stationary
1360 vehicle.

1361 ~~[(4)]~~ (5) When an authorized emergency vehicle is using audible or visual signals
1362 under Section 41-6a-212 or 41-6a-1625, the operator of a vehicle may not:

1363 (a) follow closer than 500 feet behind the authorized emergency vehicle;

1364 (b) pass the authorized emergency vehicle, if the authorized emergency vehicle is
1365 moving; or

1366 (c) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a
1367 fire alarm.

1368 ~~[(5)]~~ (6) This section does not relieve the operator of an authorized emergency vehicle,
1369 tow truck, or highway maintenance vehicle from the duty to drive with regard for the safety of
1370 all persons using the highway.

1371 ~~[(6)]~~ (7) (a) (i) In addition to the penalties prescribed under Subsection ~~[(8)]~~ (9), a
1372 person who violates this section shall attend a four hour live classroom defensive driving
1373 course approved by:

1374 (A) the Driver License Division; or

1375 (B) a court in this state.

1376 (ii) Upon completion of the four hour live classroom course under Subsection
1377 ~~[(6)(a)(i)]~~ (7)(a)(i), the person shall provide to the Driver License Division a certificate of
1378 attendance of the classroom course.

1379 (b) The Driver License Division shall suspend a person's driver license for a period of
1380 90 days if the person:

1381 (i) violates a provision of Subsections (1) through (3); and

1382 (ii) fails to meet the requirements of Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), within 90 days of
1383 sentencing for or pleading guilty to a violation of this section.

1384 (c) Notwithstanding the provisions of Subsection ~~[(6)(b)]~~ (7)(b), the Driver License
1385 Division shall shorten the 90-day suspension period imposed under Subsection ~~[(6)(b)]~~ (7)(b)
1386 effective immediately upon receiving a certificate of attendance of the four hour live classroom
1387 course required under Subsection ~~[(6)(a)(i)]~~ (7)(a)(i), if the certificate of attendance is received
1388 before the completion of the suspension period.

1389 (d) A person whose license is suspended under Subsection ~~[(6)(b)]~~ (7)(b) and a person

1390 whose suspension is shortened as described under Subsection ~~[(6)(c)]~~ (7)(c) shall pay the
1391 license reinstatement fees under Subsection 53-3-105(26).

1392 ~~[(7)]~~ (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1393 Act, the Driver License Division shall make rules to implement the provisions of this part.

1394 ~~[(8)]~~ (9) A violation of Subsection (1), (2), (3), ~~[or]~~ (4), or (5) is an infraction.
1395 Section 12. Section 41-21-1 is amended to read:

1396 **41-21-1. Definitions.**

1397 (1) "Autocycle" means the same as that term is defined in Section 53-3-102.

1398 (2) "Motorcycle" means:

1399 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
1400 more than three wheels in contact with the ground; or

1401 (b) an autocycle.

1402 (3) (a) "Street rod" means a motor vehicle or motorcycle that:

1403 (i) (A) was manufactured in 1948 or before; or

1404 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in
1405 1948 or before; and

1406 (II) (Aa) has been altered from the manufacturer's original design; or

1407 (Bb) has a body constructed from non-original materials; and

1408 (ii) is primarily a collector's item that is used for:

1409 (A) club activities;

1410 (B) exhibitions;

1411 (C) tours;

1412 (D) parades;

1413 (E) occasional transportation; and

1414 (F) other similar uses.

1415 (b) "Street rod" does not include a motor vehicle or motorcycle that is used for general,
1416 daily transportation.

1417 (4) (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel
1418 trailer that is:

1419 (i) 30 years old or older, from the current year; and

1420 (ii) primarily a collector's item that is used for:

- 1421 (A) participation in club activities;
- 1422 (B) exhibitions;
- 1423 (C) tours;
- 1424 (D) parades;
- 1425 (E) occasional recreational or vacation use; and
- 1426 (F) other similar uses.
- 1427 (b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth
- 1428 wheel trailer that is used for the general, daily transportation of persons or property.
- 1429 (5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:
- 1430 (i) is 30 years old or older from the current year;
- 1431 (ii) displays:
- 1432 (A) a unique vehicle type special group license plate issued in accordance with Section
- 1433 [41-1a-418](#); [~~or~~]
- 1434 (B) for a vehicle that has a model year of 1980 or older, a historical support special
- 1435 group plate; [~~and~~] or
- 1436 (C) an original issue license plate in accordance with Section [41-1a-416](#); and
- 1437 (iii) is primarily a collector's item that is used for:
- 1438 (A) participation in club activities;
- 1439 (B) exhibitions;
- 1440 (C) tours;
- 1441 (D) parades;
- 1442 (E) occasional transportation; and
- 1443 (F) other similar uses.
- 1444 (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for
- 1445 general, daily transportation.
- 1446 (c) "Vintage vehicle" includes a:
- 1447 (i) street rod; and
- 1448 (ii) vintage travel trailer.
- 1449 Section 13. Section [53-1-106.2](#) is repealed and reenacted to read:
- 1450 **53-1-106.2. Towing dispatch program.**
- 1451 (1) An interlocal agency established pursuant to Title 11, Chapter 13, Interlocal

1452 Cooperation Act, a special service district established pursuant to Title 17D, Chapter 1, Special
1453 Service District Act, a political subdivision, or a state agency may enter into a contract with a
1454 vendor that provides a product or technology capable of increasing efficiency, effectiveness,
1455 and transparency in the dispatching of towing providers and management of towing rotations.

1456 (2) The product or technology described in Subsection (1) shall comply with the
1457 following requirements and capabilities:

1458 (a) decreasing delays associated with requesting and dispatching a tow truck motor
1459 carrier from an established tow rotation;

1460 (b) increasing information, transparency, and data collection associated with tow
1461 rotation operations, including dispatching, response time, completion, clearance, and storage;
1462 and

1463 (c) increasing responder and traffic safety by reducing secondary crashes, responder
1464 time on scene, and the impacts of traffic accidents on traffic flow and safety.

1465 (3) A vendor selected to provide towing dispatch management services as described in
1466 this section may not also provide towing, storage, impounding, or other services related to the
1467 operation of a towing provider.

1468 Section 14. Section **53-3-109** is amended to read:

1469 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

1470 (1) (a) Except as provided in this section, all records of the division shall be classified
1471 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and
1472 Management Act.

1473 (b) The division may disclose personal identifying information in accordance with 18
1474 U.S.C. Chapter 123:

1475 (i) to a licensed private investigator holding a valid agency license, with a legitimate
1476 business need;

1477 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
1478 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
1479 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
1480 antifraud activities, rating, or underwriting for any person issued a license certificate under this
1481 chapter;

1482 (iii) to a depository institution as that term is defined in Section [7-1-103](#);

1483 (iv) to the State Tax Commission for the purposes of tax fraud detection and
1484 prevention and any other use required by law;

1485 (v) subject to Subsection (7), to the University of Utah for data collection in relation to
1486 genetic and epidemiologic research; or

1487 (vi) (A) to a government entity, including any court or law enforcement agency, to
1488 fulfill the government entity's functions; or

1489 (B) to a private person acting on behalf of a government entity to fulfill the government
1490 entity's functions, if the division determines disclosure of the information is in the interest of
1491 public safety.

1492 (2) (a) A person who receives personal identifying information shall be advised by the
1493 division that the person may not:

1494 (i) disclose the personal identifying information from that record to any other person;
1495 or

1496 (ii) use the personal identifying information from that record for advertising or
1497 solicitation purposes.

1498 (b) Any use of personal identifying information by an insurer or insurance support
1499 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
1500 by Subsection (1)(b)(ii) is:

1501 (i) an unfair marketing practice under Section [31A-23a-402](#); or
1502 (ii) an unfair claim settlement practice under Subsection [31A-26-303\(3\)](#).

1503 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
1504 may disclose portions of a driving record, in accordance with this Subsection (3), to:

1505 (i) an insurer as defined under Section [31A-1-301](#), or a designee of an insurer, for
1506 purposes of assessing driving risk on the insurer's current motor vehicle insurance
1507 policyholders;

1508 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
1509 record and status of current employees who drive as a responsibility of the employee's
1510 employment if the requester demonstrates that the requester has obtained the written consent of
1511 the individual to whom the information pertains; and

1512 (iii) an employer or the employer's agents to obtain or verify information relating to a
1513 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

- 1514 (b) A disclosure under Subsection (3)(a)(i) shall:
- 1515 (i) include the licensed driver's name, driver license number, date of birth, and an
- 1516 indication of whether the driver has had a moving traffic violation that is a reportable violation,
- 1517 as defined under Section 53-3-102 during the previous month;
- 1518 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
- 1519 under a motor vehicle insurance policy of the insurer; and
- 1520 (iii) be made under a contract with the insurer or a designee of an insurer.
- 1521 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:
- 1522 (i) include the licensed driver's name, driver license number, date of birth, and an
- 1523 indication of whether the driver has had a moving traffic violation that is a reportable violation,
- 1524 as defined under Section 53-3-102, during the previous month;
- 1525 (ii) be limited to the records of a current employee of an employer;
- 1526 (iii) be made under a contract with the employer or a designee of an employer; and
- 1527 (iv) include an indication of whether the driver has had a change reflected in the
- 1528 driver's:
- 1529 (A) driving status;
- 1530 (B) license class;
- 1531 (C) medical self-certification status; or
- 1532 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 1533 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:
- 1534 (i) the criteria for searching and compiling the driving records being requested;
- 1535 (ii) the frequency of the disclosures;
- 1536 (iii) the format of the disclosures, which may be in bulk electronic form; and
- 1537 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).
- 1538 (4) The division may charge fees:
- 1539 (a) in accordance with Section 53-3-105 for searching and compiling its files or
- 1540 furnishing a report on the driving record of a person;
- 1541 (b) for each document prepared under the seal of the division and deliver upon request,
- 1542 a certified copy of any record of the division, and charge a fee set in accordance with Section
- 1543 63J-1-504 for each document authenticated; and
- 1544 (c) established in accordance with the procedures and requirements of Section

1545 63J-1-504 for disclosing personal identifying information under Subsection (1)(b).

1546 (5) Each certified copy of a driving record furnished in accordance with this section is
1547 admissible in any court proceeding in the same manner as the original.

1548 (6) (a) A driving record furnished under this section may only report on the driving
1549 record of a person for a period of 10 years.

1550 (b) Subsection (6)(a) does not apply to court or law enforcement reports, reports of
1551 commercial driver license violations, or reports for commercial driver license holders.

1552 (7) (a) The division shall include on each application for or renewal of a license or
1553 identification card under this chapter:

1554 (i) the following notice: "The Driver License Division may disclose the information
1555 provided on this form to an entity described in Utah Code Ann. Subsection
1556 53-3-109(1)(b)(v).";

1557 (ii) a reference to the website described in Subsection (7)(b); and

1558 (iii) a link to the division website for:

1559 (A) information provided by the division, after consultation with the University of
1560 Utah, containing the explanation and description described in Subsection (7)(b); and

1561 (B) an online form for the individual to opt out of the disclosure of personal identifying
1562 information as described in Subsection (1)(b)(v).

1563 (b) [~~On or before July 1, 2020, and in~~] In consultation with the division, the University
1564 of Utah shall create a website that provides an explanation and description of:

1565 (i) what information may be disclosed by the division to the University of Utah under
1566 Subsection (1)(b)(v);

1567 (ii) the methods and timing of anonymizing the information;

1568 (iii) for situations where the information is not anonymized:

1569 (A) how the information is used;

1570 (B) how the information is secured;

1571 (C) how long the information is retained; and

1572 (D) who has access to the information;

1573 (iv) research and statistical purposes for which the information is used; and

1574 (v) other relevant details regarding the information.

1575 (c) The website created by the University of Utah described in Subsection (7)(b) shall

1576 include the following:

1577 (i) a link to the division website for an online form for the individual to opt out of the
1578 disclosure of personal identifying information as described in Subsection (1)(b)(v); and

1579 (ii) a link to an online form for the individual to affirmatively choose to remove,
1580 subject to Subsection (7)(e)(ii), personal identifying information from the database controlled
1581 by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).

1582 (d) In the course of business, the division shall provide information regarding the
1583 disclosure of personal identifying information, including providing on the division website:

1584 (i) a link to the website created under Subsection (7)(b) to provide individuals with
1585 information regarding the disclosure of personal identifying information under Subsection
1586 (1)(b)(v); and

1587 (ii) a link to the division website for:

1588 (A) information provided by the division, after consultation with the University of
1589 Utah, containing the explanation and description described in Subsection (7)(b); and

1590 (B) an online form for the individual to opt out of the disclosure of personal identifying
1591 information as described in Subsection (1)(b)(v).

1592 (e) (i) The division may not disclose the personal identifying information under
1593 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection
1594 (7)(a)(iii)(B) or (7)(c)(i).

1595 (ii) (A) Except as provided in Subsection (7)(e)(ii)(B), if an individual makes a request
1596 as described in Subsection (7)(c)(ii), the University of Utah shall, within 90 days of receiving
1597 the request, remove and destroy the individual's personal identifying information received
1598 under Subsection (1)(b)(v) from a database controlled by the University of Utah.

1599 (B) The University of Utah is not required to remove an individual's personal
1600 identifying information as described in Subsection (7)(e)(ii)(A) from data released to a research
1601 study before the date of the request described in Subsection (7)(c)(ii).

1602 ~~[(f) (i) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8,~~
1603 ~~the Office of the Legislative Auditor General shall conduct an audit and issue a report on:]~~

1604 ~~[(A) procedures and safeguards utilized by the University of Utah related to the~~
1605 ~~security of personal identifying information disclosed pursuant to Subsection (1)(b)(v); and]~~

1606 ~~[(B) potential risks of disclosure or breaches in the security of personal identifying~~

1607 information disclosed pursuant to Subsection (1)(b)(v).]

1608 [~~(ii) The Office of the Legislative Auditor General shall provide the report described in~~
1609 ~~Subsection (7)(f)(i) to the Transportation Interim Committee before October 31, 2021.]~~

1610 [~~(g) (i) The University of Utah shall report to the Transportation Interim Committee~~
1611 ~~before October 31, 2020, regarding the information described in Subsection (7)(b).]~~

1612 [(~~ii~~) (f)] The University of Utah shall conduct a biennial internal information security
1613 audit of the information systems that store the data received pursuant to Subsection (1)(b)(v),
1614 and, beginning in the year 2023, provide a biennial report of the findings of the internal audit to
1615 the Transportation Interim Committee.

1616 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1617 division may make rules to designate:

1618 (a) what information shall be included in a report on the driving record of a person;
1619 (b) the form of a report or copy of the report which may include electronic format;
1620 (c) the form of a certified copy, as required under Section 53-3-216, which may include
1621 electronic format;

1622 (d) the form of a signature required under this chapter which may include electronic
1623 format;

1624 (e) the form of written request to the division required under this chapter which may
1625 include electronic format;

1626 (f) the procedures, requirements, and formats for disclosing personal identifying
1627 information under Subsection (1)(b); and

1628 (g) the procedures, requirements, and formats necessary for the implementation of
1629 Subsection (3).

1630 (9) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
1631 use, disclose, or disseminate a record created or maintained by the division or any information
1632 contained in a record created or maintained by the division for a purpose prohibited or not
1633 permitted by statute, rule, regulation, or policy of a governmental entity.

1634 (b) A person who discovers or becomes aware of any unauthorized use of records
1635 created or maintained by the division shall inform the commissioner and the division director
1636 of the unauthorized use.

1637 Section 15. Section 63I-1-241 is amended to read:

1638 **63I-1-241. Repeal dates: Title 41.**

1639 (1) Subsection [41-1a-1201\(9\)](#), related to the Spinal Cord and Brain Injury
1640 Rehabilitation Fund, is repealed January 1, 2025.

1641 (2) Section [41-3-106](#), which creates an advisory board related to motor vehicle
1642 business regulation, is repealed July 1, 2024.

1643 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:

1644 (a) [~~Subsection [41-6a-102\(31\)](#)~~] the subsection in Section [41-6a-102](#) that defines "lane
1645 filtering";

1646 (b) Subsection [41-6a-704\(5\)](#); and

1647 (c) Subsection [41-6a-710\(1\)\(c\)](#).

1648 (4) Subsection [41-6a-1406\(6\)\(c\)\(iii\)](#), related to the Spinal Cord and Brain Injury
1649 Rehabilitation Fund, is repealed January 1, 2025.

1650 (5) Subsections [41-22-2\(1\)](#) and [41-22-10\(1\)\(a\)](#), which authorize an advisory council
1651 that includes in the advisory council's duties addressing off-highway vehicle issues, are
1652 repealed July 1, 2027.

1653 (6) Subsection [41-22-8\(3\)](#), related to the Spinal Cord and Brain Injury Rehabilitation
1654 Fund, is repealed January 1, 2025.

1655 Section 16. Section **72-1-202** is amended to read:

1656 **72-1-202. Executive director of department -- Appointment -- Qualifications --**
1657 **Term -- Responsibility -- Power to bring suits -- Salary.**

1658 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an
1659 executive director to be the chief executive officer of the department.

1660 (b) The executive director shall be a registered professional engineer and qualified
1661 executive with technical and administrative experience and training appropriate for the
1662 position.

1663 (c) The executive director shall remain in office until a successor is appointed.

1664 (d) The executive director may be removed by the governor.

1665 (2) In addition to the other functions, powers, duties, rights, and responsibilities
1666 prescribed in this chapter, the executive director shall:

1667 (a) have responsibility for the administrative supervision of the state transportation
1668 systems and the various operations of the department;

1669 (b) have the responsibility for the implementation of rules, priorities, and policies
1670 established by the department and the commission;

1671 (c) have the responsibility for the oversight and supervision of[:]

1672 [(i)] any transportation project for which state funds are expended; [and]

1673 [(ii) ~~any fixed guideway capital development project within the boundaries of a large~~
1674 ~~public transit district for which any state funds are expended;~~]

1675 (d) have full power to bring suit in courts of competent jurisdiction in the name of the
1676 department as the executive director considers reasonable and necessary for the proper
1677 attainment of the goals of this chapter;

1678 (e) receive a salary, to be established by the governor within the salary range fixed by
1679 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual
1680 traveling expenses while away from the executive director's office on official business;

1681 (f) purchase all equipment, services, and supplies necessary to achieve the department's
1682 functions, powers, duties, rights, and responsibilities delegated under Section 72-1-201;

1683 (g) have the responsibility to determine whether a purchase from, contribution to, or
1684 other participation with a public entity or association of public entities in a pooled fund
1685 program to acquire, develop, or share information, data, reports, or other services related to the
1686 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement
1687 Code;

1688 (h) have responsibility for administrative supervision of the Comptroller Division, the
1689 Internal Audit Division, and the Communications Division; and

1690 (i) appoint assistants, to serve at the discretion of the executive director, to administer
1691 the divisions of the department.

1692 (3) The executive director may employ other assistants and advisers as the executive
1693 director finds necessary and fix salaries in accordance with the salary standards adopted by the
1694 Division of Human Resource Management.

1695 (4) (a) For a fixed guideway capital development project within the boundaries of a
1696 large public transit district for which state funds are expended, responsibilities of the executive
1697 director include:

1698 (i) project development for a fixed guideway capital development project in a large
1699 public transit district;

- 1700 (ii) oversight and coordination of planning, including:
1701 (A) development of statewide strategic initiatives for planning across all modes of
1702 transportation;
1703 (B) coordination with metropolitan planning organizations;
1704 (C) coordination with a large public transit district, including planning, project
1705 development, outreach, programming, environmental studies and impact statements,
1706 construction, and impacts on public transit operations; and
1707 (D) corridor and area planning;
1708 (iii) programming and prioritization of fixed guideway capital development projects;
1709 (iv) fulfilling requirements for environmental studies and impact statements; and
1710 (v) resource investment, including identification, development, and oversight of
1711 public-private partnership opportunities.

1712 (5) (a) Before October 31, 2022, the department shall submit to the Transportation
1713 Interim Committee a written plan for the department to assume management of all fixed
1714 guideway capital development projects within a large public transit district for which state
1715 funds are expended.

1716 (b) The department shall consult with a large public transit district and relevant
1717 metropolitan planning organizations in developing the plan described in Subsection (5)(a).

1718 (c) The Transportation Interim Committee shall consider the plan submitted by the
1719 department as described in Subsection (5)(a) and make recommendations to the Legislature
1720 before December 1, 2022.

1721 Section 17. Section **72-1-203** is amended to read:

1722 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
1723 **and advisers -- Salaries.**

1724 (1) The executive director shall appoint two deputy directors, who shall serve at the
1725 discretion of the executive director.

1726 (2) (a) The deputy director of engineering and operations shall be a registered
1727 professional engineer in the state and is the chief engineer of the department.

1728 (b) The deputy director of engineering and operations shall assist the executive director
1729 with areas of responsibility that may include:

1730 (i) project development, including statewide standards for project design and

1731 construction, right-of-way, materials, testing, structures, and construction;

1732 (ii) oversight of the management of the region offices described in Section 72-1-205;

1733 (iii) operations and traffic management;

1734 (iv) oversight of operations of motor carriers and ports;

1735 (v) transportation systems safety;

1736 (vi) aeronautical operations; and

1737 (vii) equipment for department engineering and maintenance functions.

1738 (c) The deputy director of planning and investment shall assist the executive director

1739 with areas of responsibility that may include:

1740 (i) oversight and coordination of planning, including:

1741 (A) development of statewide strategic initiatives for planning across all modes of

1742 transportation;

1743 (B) coordination with metropolitan planning organizations and local governments; and

1744 (C) corridor and area planning;

1745 (ii) responsibility for the oversight and supervision of any fixed guideway capital

1746 development project within the boundaries of a large public transit district for which any state

1747 funds are expended;

1748 [~~(i)~~] (iii) asset management;

1749 [~~(ii)~~] (iv) programming and prioritization of transportation projects;

1750 [~~(iii)~~] (v) fulfilling requirements for environmental studies and impact statements;

1751 [~~(iv)~~] (vi) resource investment, including identification, development, and oversight of

1752 public-private partnership opportunities;

1753 [~~(v)~~] (vii) data analytics services to the department;

1754 [~~(vi)~~] (viii) corridor preservation;

1755 [~~(vii)~~] (ix) employee development;

1756 [~~(viii)~~] (x) maintenance planning; and

1757 [~~(ix)~~] (xi) oversight and facilitation of the negotiations and integration of public transit

1758 providers described in Section 17B-2a-827.

1759 Section 18. Section 72-1-301 is amended to read:

1760 **72-1-301. Transportation Commission created -- Members, appointment, terms --**

1761 **Qualifications -- Pay and expenses -- Chair -- Quorum.**

1762 (1) (a) There is created the Transportation Commission which shall consist of seven
1763 members.

1764 (b) The members of the commission shall be residents of Utah.

1765 (c) The members of the commission shall be selected on a nonpartisan basis.

1766 (d) ~~[(i)]~~ The commissioners shall, in accordance with Title 63G, Chapter 24, Part 2,
1767 Vacancies, be appointed by the governor, with the advice and consent of the Senate, for a term
1768 of six years, beginning on April 1 of odd-numbered years~~[-except as provided under~~
1769 ~~Subsection (1)(d)(ii)].~~

1770 ~~[(ii) The first two additional commissioners serving on the seven member commission~~
1771 ~~shall be appointed for terms of two years nine months and four years nine months, respectively,~~
1772 ~~initially commencing on July 1, 1996, and subsequently commencing as specified under~~
1773 ~~Subsection (1)(d)(i).]~~

1774 (e) The commissioners serve on a part-time basis.

1775 (f) Each commissioner shall remain in office until a successor is appointed and
1776 qualified.

1777 ~~[(2)(a) Except as provided in Subsection (2)(b), the selection of the commissioners~~
1778 ~~shall be as follows:]~~

1779 ~~[(i) one commissioner from Box Elder, Cache, or Rich county;]~~

1780 ~~[(ii) one commissioner from Salt Lake or Tooele county;]~~

1781 ~~[(iii) one commissioner from Carbon, Emery, Grand, or San Juan county;]~~

1782 ~~[(iv) one commissioner from Beaver, Garfield, Iron, Kane, Millard, Piute, Sanpete,~~
1783 ~~Sevier, Washington, or Wayne county;]~~

1784 ~~[(v) one commissioner from Weber, Davis, or Morgan county;]~~

1785 ~~[(vi) one commissioner from Juab, Utah, Wasatch, Duchesne, Summit, Uintah, or~~
1786 ~~Daggett county; and]~~

1787 ~~[(vii) one commissioner selected from the state at large.]~~

1788 ~~[(b)]~~ (2) (a) ~~[Beginning with the appointment of commissioners on or after July 1, 2009~~
1789 ~~and subject]~~ Subject to the restriction in Subsection ~~[(2)(d)]~~ (2)(c), the selection of
1790 commissioners shall be as follows:

1791 (i) four commissioners with one commissioner selected from each of the four regions
1792 established by the department; and

1793 (ii) subject to the restriction in Subsection ~~[(2)(e)]~~ (2)(b), three commissioners selected
1794 from the state at large.

1795 ~~[(e)]~~ (b) (i) At least one of the three commissioners appointed under Subsection
1796 ~~[(2)(b)(ii)]~~ (2)(a)(ii) shall be selected from a rural county.

1797 (ii) For purposes of this Subsection ~~[(2)(e)]~~ (2)(b), a rural county ~~[includes]~~ is a county
1798 of the third, fourth, fifth, or sixth class.

1799 ~~[(d)]~~ (c) No more than two commissioners appointed under Subsection ~~[(2)(b)]~~ (2)(a)
1800 may be selected from any one of the four regions established by the department.

1801 (3) A member may not receive compensation or benefits for the member's service, but
1802 may receive per diem and travel expenses in accordance with:

1803 (a) Section [63A-3-106](#);

1804 (b) Section [63A-3-107](#); and

1805 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1806 [63A-3-107](#).

1807 (4) (a) One member of the commission shall be designated by the governor as chair.

1808 (b) The commission ~~[shall]~~ may select one member as vice chair to act in the chair's
1809 absence.

1810 (5) Any four commissioners constitute a quorum.

1811 (6) Each member of the commission shall qualify by taking the constitutional oath of
1812 office.

1813 (7) Each member of the commission is subject to the conflict of interest provisions
1814 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

1815 ~~[(7)]~~ (8) For the purposes of Section [63J-1-504](#), the commission is not considered an
1816 agency.

1817 Section 19. Section **72-1-302** is amended to read:

1818 **72-1-302. Commission offices and meetings.**

1819 (1) The commission shall ~~[maintain offices and]~~ hold regular public meetings ~~[at those~~
1820 ~~offices on dates fixed and formally announced by it, and may hold other meetings at the times~~
1821 ~~and places as it may, by order, provide]~~ at least quarterly.

1822 (2) The commission may hold additional public meetings as determined by the chair of
1823 the commission in consultation with the executive director of the department.

1824 ~~[(a) Meetings may be held upon call of the governor, the chairman, or two~~
1825 ~~commissioners upon notice of the time, place, and purpose of meeting to each commissioner at~~
1826 ~~least seven days prior to the date of the meeting.]~~

1827 ~~[(b) Any meeting may be held upon shorter notice with the unanimous approval of the~~
1828 ~~commission.]~~

1829 ~~[(c) A member of the commission shall comply with the conflict of interest provisions~~
1830 ~~described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.]~~

1831 Section 20. Section **72-1-303** is amended to read:

1832 **72-1-303. Duties of commission.**

1833 (1) The commission has the following duties:

1834 (a) determining priorities and funding levels of projects and programs in the state
1835 transportation systems and the capital development of new public transit facilities for each
1836 fiscal year based on project lists compiled by the department and taking into consideration the
1837 strategic initiatives described in Section [72-1-211](#);

1838 (b) determining additions and deletions to state highways under Chapter 4, Designation
1839 of State Highways Act;

1840 (c) holding public [~~hearings~~] meetings and otherwise providing for public input in
1841 transportation matters;

1842 (d) making policies and rules in accordance with Title 63G, Chapter 3, Utah
1843 Administrative Rulemaking Act, necessary to perform the commission's duties described under
1844 this section;

1845 (e) in accordance with Section [63G-4-301](#), reviewing orders issued by the executive
1846 director in adjudicative proceedings held in accordance with Title 63G, Chapter 4,
1847 Administrative Procedures Act;

1848 (f) advising the department [~~in~~] on state transportation systems policy;

1849 (g) approving settlement agreements of condemnation cases subject to Section
1850 [63G-10-401](#);

1851 (h) in accordance with Section [17B-2a-807](#), appointing a commissioner to serve as a
1852 nonvoting[~~, ex officio~~] member or a voting member on the board of trustees of a public transit
1853 district;

1854 (i) in accordance with Section [17B-2a-808](#), reviewing, at least annually, the short-term

1855 and long-range public transit plans; and

1856 (j) reviewing administrative rules made, substantively amended, or repealed by the
1857 department.

1858 (2) (a) For projects prioritized with funding provided under Sections 72-2-124 and
1859 72-2-125, the commission shall annually report to a committee designated by the Legislative
1860 Management Committee:

1861 (i) a prioritized list of the new transportation capacity projects in the state
1862 transportation system and the funding levels available for those projects; and

1863 (ii) the unfunded highway construction and maintenance needs within the state.

1864 (b) The committee designated by the Legislative Management Committee under
1865 Subsection (2)(a) shall:

1866 (i) review the list reported by the Transportation Commission; and

1867 (ii) make a recommendation to the Legislature on:

1868 (A) the amount of additional funding to allocate to transportation; and

1869 (B) the source of revenue for the additional funding allocation under Subsection
1870 (2)(b)(ii)(A).

1871 (3) The commission shall review and may approve plans for the construction of a
1872 highway facility over sovereign lakebed lands in accordance with Chapter 6, Part 3, Approval
1873 of Highway Facilities on Sovereign Lands Act.

1874 (4) One or more associations representing airport operators or pilots in the state shall
1875 annually report to the commission recommended airport improvement projects and any other
1876 information related to the associations' expertise and relevant to the commission's duties.

1877 Section 21. Section 72-1-304 is amended to read:

1878 **72-1-304. Written project prioritization process for new transportation capacity**
1879 **projects -- Rulemaking.**

1880 (1) (a) The Transportation Commission, in consultation with the department and the
1881 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1882 prioritization process for the prioritization of:

1883 (i) new transportation capacity projects that are or will be part of the state highway
1884 system under Chapter 4, Part 1, State Highways;

1885 (ii) paved pedestrian or paved nonmotorized transportation projects that:

- 1886 (A) mitigate traffic congestion on the state highway system; and
1887 (B) are part of an active transportation plan approved by the department;
1888 (iii) public transit projects that directly add capacity to the public transit systems within
1889 the state, not including facilities ancillary to the public transit system; and
1890 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
1891 public transit system.
- 1892 (b) (i) A local government or district may nominate a project for prioritization in
1893 accordance with the process established by the commission in rule.
- 1894 (ii) If a local government or district nominates a project for prioritization by the
1895 commission, the local government or district shall provide data and evidence to show that:
- 1896 (A) the project will advance the purposes and goals described in Section 72-1-211;
1897 (B) for a public transit project, the local government or district has an ongoing funding
1898 source for operations and maintenance of the proposed development; and
1899 (C) the local government or district will provide [~~40%~~] the percentage of the costs for
1900 the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).
- 1901 (2) The following shall be included in the written prioritization process under
1902 Subsection (1):
- 1903 (a) a description of how the strategic initiatives of the department adopted under
1904 Section 72-1-211 are advanced by the written prioritization process;
- 1905 (b) a definition of the type of projects to which the written prioritization process
1906 applies;
- 1907 (c) specification of a weighted criteria system that is used to rank proposed projects
1908 and how it will be used to determine which projects will be prioritized;
- 1909 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
1910 (e) any other provisions the commission considers appropriate, which may include
1911 consideration of:
- 1912 (i) regional and statewide economic development impacts, including improved local
1913 access to:
- 1914 (A) employment;
1915 (B) educational facilities;
1916 (C) recreation;

1917 (D) commerce; and
1918 (E) residential areas, including moderate income housing as demonstrated in the local
1919 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1920 (ii) the extent to which local land use plans relevant to a project support and
1921 accomplish the strategic initiatives adopted under Section 72-1-211; and

1922 (iii) any matching funds provided by a political subdivision or public transit district in
1923 addition to the ~~[40%]~~ percentage of costs required by Subsections 72-2-124(4)(a)(viii) and
1924 72-2-124(9)(e).

1925 (3) (a) When prioritizing a public transit project that increases capacity, the
1926 commission:

1927 (i) may give priority consideration to projects that are part of a transit-oriented
1928 development or transit-supportive development as defined in Section 17B-2a-802; and

1929 (ii) shall give priority consideration to projects that are within the boundaries of a
1930 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,
1931 Housing and Transit Reinvestment Zone Act.

1932 (b) When prioritizing a transportation project that increases capacity, the commission
1933 may give priority consideration to projects that are:

1934 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1935 (A) the state is a participant in the transportation reinvestment zone; or

1936 (B) the commission finds that the transportation reinvestment zone provides a benefit
1937 to the state transportation system; or

1938 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
1939 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1940 (c) If the department receives a notice of prioritization for a municipality as described
1941 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
1942 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority
1943 consideration to transportation projects that are within the boundaries of the municipality or the
1944 unincorporated areas of the county.

1945 (4) In developing the written prioritization process, the commission:

1946 (a) shall seek and consider public comment by holding public meetings at locations
1947 throughout the state; and

1948 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1949 the state provides an equal opportunity to raise local matching dollars for state highway
1950 improvements within each county.

1951 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1952 Transportation Commission, in consultation with the department, shall make rules establishing
1953 the written prioritization process under Subsection (1).

1954 (6) The commission shall submit the proposed rules under this section to a committee
1955 or task force designated by the Legislative Management Committee for review prior to taking
1956 final action on the proposed rules or any proposed amendment to the rules described in
1957 Subsection (5).

1958 Section 22. Section 72-1-305 is amended to read:

1959 **72-1-305. Project selection using the written prioritization process -- Public**
1960 **comment -- Report.**

1961 (1) Except as provided in Subsection (4), in determining priorities and funding levels
1962 of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new
1963 transportation capacity projects, the commission shall use the weighted criteria system adopted
1964 in the written prioritization process under Section 72-1-304.

1965 (2) Prior to finalizing priorities and funding levels of projects in the state transportation
1966 system, the commission shall conduct public ~~hearings~~ meetings at locations around the state
1967 and accept public comments on:

1968 (a) the written prioritization process;

1969 (b) the merits of new transportation capacity projects that will be prioritized under this
1970 section; and

1971 (c) the merits of new transportation capacity projects as recommended by a consensus
1972 of local elected officials participating in a metropolitan planning organization as defined in
1973 Section 72-1-208.5.

1974 (3) The commission shall make the weighted criteria system ranking for each project
1975 publicly available prior to the public ~~hearings~~ meetings held under Subsection (2).

1976 (4) (a) If the commission prioritizes a project over another project with a higher rank
1977 under the weighted criteria system, the commission shall identify the change and accept public
1978 comment at a ~~hearing~~ meeting held under this section on the merits of prioritizing the project

1979 above higher ranked projects.

1980 (b) The commission shall make the reasons for the prioritization under Subsection
1981 (4)(a) publicly available.

1982 (5) (a) The executive director or the executive director's designee shall report annually
1983 to the governor and a committee designated by the Legislative Management Committee no later
1984 than the last day of October:

1985 (i) the projects prioritized under this section during the year prior to the report; and

1986 (ii) the status and progress of all projects prioritized under this section.

1987 (b) Annually, before any funds are programmed and allocated from the Transit
1988 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive
1989 director or the executive director's designee, along with the executive director of a large public
1990 transit district as described in Section 17B-2a-802, shall report to the governor and a committee
1991 designated by the Legislative Management Committee no later than the last day of October:

1992 (i) the public transit projects prioritized under this section during the year prior to the
1993 report; and

1994 (ii) the status and progress of all public transit projects prioritized under this section.

1995 (6) (a) The department may not delay a new transportation capacity project that was
1996 funded by the Legislature in an appropriations act to a different fiscal year than programmed by
1997 the commission due to an unavoidable shortfall in revenues unless the project delays are
1998 prioritized and approved by the Transportation Commission.

1999 (b) The Transportation Commission shall prioritize and approve any new
2000 transportation capacity project delays for projects that were funded by the Legislature in an
2001 appropriations act due to an unavoidable shortfall in revenues.

2002 Section 23. Section 72-2-124 is amended to read:

2003 **72-2-124. Transportation Investment Fund of 2005.**

2004 (1) There is created a capital projects fund entitled the Transportation Investment Fund
2005 of 2005.

2006 (2) The fund consists of money generated from the following sources:

2007 (a) any voluntary contributions received for the maintenance, construction,
2008 reconstruction, or renovation of state and federal highways;

2009 (b) appropriations made to the fund by the Legislature;

- 2010 (c) registration fees designated under Section 41-1a-1201;
- 2011 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 2012 59-12-103; and
- 2013 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 2014 (3) (a) The fund shall earn interest.
- 2015 (b) All interest earned on fund money shall be deposited into the fund.
- 2016 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 2017 fund money to pay:
 - 2018 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
 - 2019 federal highways prioritized by the Transportation Commission through the prioritization
 - 2020 process for new transportation capacity projects adopted under Section 72-1-304;
 - 2021 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
 - 2022 projects described in Subsections 63B-18-401(2), (3), and (4);
 - 2023 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
 - 2024 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
 - 2025 with Subsection 72-2-121(4)(e);
 - 2026 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
 - 2027 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
 - 2028 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
 - 2029 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
 - 2030 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
 - 2031 for projects prioritized in accordance with Section 72-2-125;
 - 2032 (vi) all highway general obligation bonds that are intended to be paid from revenues in
 - 2033 the Centennial Highway Fund created by Section 72-2-118;
 - 2034 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
 - 2035 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
 - 2036 in Section 72-2-121;
 - 2037 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
 - 2038 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
 - 2039 nonmotorized transportation for projects that:
 - 2040 (A) mitigate traffic congestion on the state highway system;

- 2041 (B) are part of an active transportation plan approved by the department; and
- 2042 (C) are prioritized by the commission through the prioritization process for new
- 2043 transportation capacity projects adopted under Section 72-1-304;
- 2044 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
- 2045 reconstruction, or renovation of or improvement to the following projects:
- 2046 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
- 2047 (B) Geneva Road from University Parkway to 1800 South;
- 2048 (C) the SR-97 interchange at 5600 South on I-15;
- 2049 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 2050 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 2051 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 2052 (G) widening I-15 between mileposts 6 and 8;
- 2053 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 2054 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 2055 Spanish Fork Canyon;
- 2056 (J) I-15 northbound between mileposts 43 and 56;
- 2057 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 2058 and 45.1;
- 2059 (L) east Zion SR-9 improvements;
- 2060 (M) Toquerville Parkway;
- 2061 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 2062 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 2063 construction of an interchange on Bangerter Highway at 13400 South; and
- 2064 (P) an environmental impact study for Kimball Junction in Summit County; and
- 2065 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 2066 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 2067 provides to the department demonstrating the need for money for the project, for the following
- 2068 projects in the following amounts:
- 2069 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 2070 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 2071 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

2072 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
2073 between mile markers 7 and 10.

2074 (b) The executive director may use fund money to exchange for an equal or greater
2075 amount of federal transportation funds to be used as provided in Subsection (4)(a).

2076 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
2077 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director
2078 may not program fund money to a project prioritized by the commission under Section
2079 72-1-304, including fund money from the Transit Transportation Investment Fund, within the
2080 boundaries of the municipality during the fiscal year specified in the notice.

2081 (b) Within the boundaries of a municipality described in Subsection (5)(a), the
2082 executive director:

2083 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
2084 facility or interchange connecting limited-access facilities;

2085 (ii) may not program fund money for the construction, reconstruction, or renovation of
2086 an interchange on a limited-access facility;

2087 (iii) may program Transit Transportation Investment Fund money for a
2088 multi-community fixed guideway public transportation project; and

2089 (iv) may not program Transit Transportation Investment Fund money for the
2090 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
2091 transportation project.

2092 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
2093 director before July 1, 2022, for projects prioritized by the commission under Section
2094 72-1-304.

2095 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
2096 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may
2097 not program fund money to a project prioritized by the commission under Section 72-1-304,
2098 including fund money from the Transit Transportation Investment Fund, within the boundaries
2099 of the unincorporated area of the county during the fiscal year specified in the notice.

2100 (b) Within the boundaries of the unincorporated area of a county described in
2101 Subsection (6)(a), the executive director:

2102 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access

2103 facility to a project prioritized by the commission under Section 72-1-304;

2104 (ii) may not program fund money for the construction, reconstruction, or renovation of
2105 an interchange on a limited-access facility;

2106 (iii) may program Transit Transportation Investment Fund money for a
2107 multi-community fixed guideway public transportation project; and

2108 (iv) may not program Transit Transportation Investment Fund money for the
2109 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
2110 transportation project.

2111 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
2112 director before July 1, 2022, for projects prioritized by the commission under Section
2113 72-1-304.

2114 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
2115 in any fiscal year, the department and the commission shall appear before the Executive
2116 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
2117 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
2118 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

2119 (b) The Executive Appropriations Committee of the Legislature shall review and
2120 comment on the amount of bond proceeds needed to fund the projects.

2121 (8) The Division of Finance shall, from money deposited into the fund, transfer the
2122 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
2123 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
2124 sinking fund.

2125 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
2126 Transportation Investment Fund.

2127 (b) The fund shall be funded by:

2128 (i) contributions deposited into the fund in accordance with Section 59-12-103;

2129 (ii) appropriations into the account by the Legislature;

2130 (iii) deposits of sales and use tax increment related to a housing and transit
2131 reinvestment zone as described in Section 63N-3-610;

2132 (iv) private contributions; and

2133 (v) donations or grants from public or private entities.

- 2134 (c) (i) The fund shall earn interest.
- 2135 (ii) All interest earned on fund money shall be deposited into the fund.
- 2136 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund:
- 2137 (i) for public transit capital development of new capacity projects and fixed guideway
- 2138 capital development projects to be used as prioritized by the commission through the
- 2139 prioritization process adopted under Section [72-1-304](#);
- 2140 (ii) for development of the oversight plan described in Section [72-1-202\(5\)](#); or
- 2141 (iii) to the department for oversight of a fixed guideway capital development project
- 2142 for which the department has responsibility.
- 2143 (e) (i) The Legislature may only appropriate money from the fund for a public transit
- 2144 capital development project or pedestrian or nonmotorized transportation project that provides
- 2145 connection to the public transit system if the public transit district or political subdivision
- 2146 provides funds of equal to or greater than ~~[40%]~~ 20% of the costs needed for the project.
- 2147 (ii) A public transit district or political subdivision may use money derived from a loan
- 2148 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
- 2149 part of the ~~[40%]~~ 20% requirement described in Subsection (9)(e)(i) if:
- 2150 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
- 2151 State Infrastructure Bank Fund; and
- 2152 (B) the proposed capital project has been prioritized by the commission pursuant to
- 2153 Section [72-1-303](#).
- 2154 (f) Before July 1, 2022, the department and a large public transit district shall enter into
- 2155 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15
- 2156 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and
- 2157 trainsets for regional public transit rail systems.
- 2158 (10) (a) There is created in the Transportation Investment Fund of 2005 the
- 2159 Cottonwood Canyons Transportation Investment Fund.
- 2160 (b) The fund shall be funded by:
- 2161 (i) money deposited into the fund in accordance with Section [59-12-103](#);
- 2162 (ii) appropriations into the account by the Legislature;
- 2163 (iii) private contributions; and
- 2164 (iv) donations or grants from public or private entities.

2165 (c) (i) The fund shall earn interest.

2166 (ii) All interest earned on fund money shall be deposited into the fund.

2167 (d) The Legislature may appropriate money from the fund for public transit or
2168 transportation projects in the Cottonwood Canyons of Salt Lake County.

2169 Section 24. Section **72-5-117** is amended to read:

2170 **72-5-117. Rulemaking for sale of real property -- Licensed or certified appraisers**
2171 **-- Exceptions.**

2172 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if
2173 the department buys, sells, or exchanges real property, the department shall make rules to
2174 ensure that the value of the real property is congruent with the proposed price and other terms
2175 of the purchase, sale, or exchange.

2176 (2) The rules:

2177 (a) shall establish procedures for determining the value of the real property;

2178 (b) may provide that an appraisal, as defined under Section [61-2g-102](#), demonstrates
2179 the real property's value; ~~[and]~~

2180 (c) may require that the appraisal be completed by a state-certified general appraiser, as
2181 defined under Section [61-2g-102](#)~~[-];~~ and

2182 (d) may provide for the sale or exchange of real property, with or without charge, to a
2183 large public transit district if the executive director enters into an agreement with the large
2184 public transit district and determines that the real property:

2185 (i) is within the boundaries of a station area that has a station area plan certified by a
2186 metropolitan planning organization in accordance with Section [10-9a-403.1](#);

2187 (ii) is part of a transit-oriented development or transit-supportive development as
2188 defined in Section [17B-2a-802](#);

2189 (iii) is adjacent to a completed fixed guideway capital development that was overseen
2190 by the department; or

2191 (iv) will only be used by the large public transit district in a manner that the executive
2192 director determines will provide a benefit to the state transportation system.

2193 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or
2194 to an interest in real property:

2195 (a) that is under a contract or other written agreement before May 5, 2008; or

2196 (b) with a value of less than \$100,000, as estimated by the state agency.

2197 Section 25. Section **72-9-604** is amended to read:

2198 **72-9-604. Preemption of local authorities -- Tow trucks.**

2199 (1) (a) Notwithstanding any other provision of law, a political subdivision of this state
2200 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor
2201 carrier, tow truck operator, or tow truck that conflicts with:

2202 (i) any provision of this part;

2203 (ii) Section [41-6a-1401](#);

2204 (iii) Section [41-6a-1407](#); or

2205 (iv) rules made by the department under this part.

2206 (b) A county or municipal legislative governing body may not charge a fee for the
2207 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

2208 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

2209 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
2210 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
2211 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
2212 [41-6a-1406](#).

2213 (2) A tow truck motor carrier that has a county or municipal business license for a
2214 place of business located within that county or municipality may not be required to obtain
2215 another business license in order to perform a tow truck service in another county or
2216 municipality if there is not a business location in the other county or municipality.

2217 (3) A county or municipal legislative or governing body may not require a tow truck
2218 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing
2219 certificate by the department, as described in Section [72-9-602](#), to obtain an additional towing
2220 certificate.

2221 (4) A county or municipal legislative body may require an annual tow truck safety
2222 inspection in addition to the inspections required under Sections [53-8-205](#) and [72-9-602](#) if:

2223 (a) no fee is charged for the inspection; and

2224 (b) the inspection complies with federal motor carrier safety regulations.

2225 (5) (a) A tow truck shall be subject to only one annual safety inspection under
2226 Subsection (4)(b).

2227 (b) A county or municipality that requires the additional annual safety inspection shall
2228 accept the same inspection performed by another county or municipality.

2229 ~~[(6) (a) (i) Beginning on July 1, 2021, a political subdivision or state agency may not
2230 charge an applicant a fee or charge related to dispatch costs in order to be part of the towing
2231 rotation of that political subdivision or state agency.]~~

2232 ~~[(ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D,
2233 Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to
2234 dispatch costs in order to be part of the towing rotation of that special service district.]~~

2235 (6) (a) A political subdivision, state agency, an interlocal agency under Title 11,
2236 Chapter 13, Interlocal Cooperation Act, or a special service district under Title 17D, Chapter 1,
2237 Special Service District Act, may charge an applicant a fee or charge related to dispatch costs,
2238 or to cover costs associated with the use of a vendor as described in Section [53-1-106.2](#), in
2239 order to be part of the towing rotation of that political subdivision, state agency, interlocal
2240 agency, or special service district.

2241 (b) In addition to the fees set by the department in rules made in accordance with
2242 Subsection [72-9-603](#)(16), a tow truck motor carrier may charge a fee to cover the costs of a
2243 dispatch charge described in Subsection (6)(a).

2244 (c) The amount of the fee described in Subsection (6)(b) may not exceed the amount
2245 charged to the tow truck motor carrier for dispatch services under Subsection (6)(a).

2246 ~~[(d) A political subdivision or state agency that does not charge a dispatch fee as of
2247 January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).]~~

2248 (7) A towing entity may not require a tow truck operator who has received an
2249 authorized towing certificate from the department to submit additional criminal background
2250 check information for inclusion of the tow truck motor carrier on a rotation.

2251 (8) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
2252 operator that responds may not respond to the location in a tow truck that is owned by a tow
2253 truck motor carrier that is different than the tow truck motor carrier that was dispatched.