

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

**TRANSPORTATION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Kay J. Christofferson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to active transportation, local option sales taxes, the Department of Transportation, and other transportation items.

**Highlighted Provisions:**

This bill:

- ▶ creates the Active Transportation Investment Fund within the Transportation Investment Fund of 2005 to be used to develop active transportation infrastructure;
- ▶ extends the expiration of the ability for certain political subdivisions to impose a local option sales tax for certain transportation purposes;
- ▶ amends provisions related to the responsibilities of the executive director and deputy directors of the Department of Transportation;
- ▶ amends provisions related to the account for the road usage charge;
- ▶ requires a report from the Department of Transportation to the Transportation Commission regarding the status of certain transportation construction projects;
- ▶ makes various technical amendments to clarify duties of the Department of Transportation related to public transit capital development;
- ▶ requires the Department of Transportation to create an account within the State Infrastructure Bank for loans for certain types of development; and



26           ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33           **17B-2a-806**, as last amended by Laws of Utah 2022, Chapter 69

34           **41-1a-226**, as last amended by Laws of Utah 2022, Chapter 259

35           **41-1a-401**, as last amended by Laws of Utah 2022, Chapter 259

36           **41-1a-422**, as last amended by Laws of Utah 2022, Chapters 19, 48, 68, 255, 259, 335,  
37 451, and 456

38           **41-1a-1206**, as last amended by Laws of Utah 2022, Chapters 56, 259

39           **41-6a-1642**, as last amended by Laws of Utah 2022, Chapters 160, 259

40           **41-21-1**, as last amended by Laws of Utah 2022, Chapter 259

41           **59-12-103**, as last amended by Laws of Utah 2022, Chapters 77, 106 and 433

42           **59-12-2220**, as last amended by Laws of Utah 2022, Chapter 259

43           **72-1-102**, as last amended by Laws of Utah 2022, Chapter 69

44           **72-1-202**, as last amended by Laws of Utah 2022, Chapter 69

45           **72-1-203**, as last amended by Laws of Utah 2019, Chapter 479

46           **72-1-213.2**, as last amended by Laws of Utah 2022, Chapter 259

47           **72-1-304**, as last amended by Laws of Utah 2022, Chapter 406

48           **72-1-305**, as last amended by Laws of Utah 2018, Chapter 424

49           **72-2-106**, as last amended by Laws of Utah 2017, Chapters 144, 234

50           **72-2-107**, as last amended by Laws of Utah 2020, Chapter 377

51           **72-2-123**, as last amended by Laws of Utah 2008, Chapter 382

52           **72-2-124**, as last amended by Laws of Utah 2022, Chapters 69, 259 and 406

53           **72-2-202**, as last amended by Laws of Utah 2022, Chapter 463

54           **72-5-102**, as last amended by Laws of Utah 2021, Chapter 222

55           **72-5-114**, as renumbered and amended by Laws of Utah 1998, Chapter 270

56           **72-6-112.5**, as last amended by Laws of Utah 2019, Chapter 43

57 [72-16-102](#), as last amended by Laws of Utah 2020, Chapter 423

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

60 Section 1. Section **17B-2a-806** is amended to read:

61 **17B-2a-806. Authority of the state or an agency of the state with respect to a**  
62 **public transit district -- Counties and municipalities authorized to provide funds to**  
63 **public transit district -- Equitable allocation of resources within the public transit**  
64 **district.**

65 (1) The state or an agency of the state may:

66 (a) make public contributions to a public transit district as in the judgment of the  
67 Legislature or governing board of the agency are necessary or proper; ~~or~~

68 (b) authorize a public transit district to perform, or aid and assist a public transit district  
69 in performing, an activity that the state or agency is authorized by law to perform~~[-];~~ or

70 (c) perform any action that the state agency is authorized by law to perform for the  
71 benefit of a public transit district.

72 (2) (a) A county or municipality involved in the establishment and operation of a  
73 public transit district may provide funds necessary for the operation and maintenance of the  
74 district.

75 (b) A county's use of property tax funds to establish and operate a public transit district  
76 within any part of the county is a county purpose under Section [17-53-220](#).

77 (3) (a) To allocate resources and funds for development and operation of a public  
78 transit district, whether received under this section or from other sources, and subject to  
79 Section [72-1-202](#) pertaining to fixed guideway capital development within a large public transit  
80 district, a public transit district may:

81 (i) give priority to public transit services that feed rail fixed guideway services; and  
82 (ii) allocate funds according to population distribution within the public transit district.

83 (b) The comptroller of a public transit district shall report the criteria and data  
84 supporting the allocation of resources and funds in the statement required in Section  
85 [17B-2a-812](#).

86 Section 2. Section **41-1a-226** is amended to read:

87 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

88 (1) The owner of a vintage vehicle who applies for registration under this part shall  
89 provide a signed statement that the vintage vehicle:

- 90 (a) is owned and operated for the purposes described in Section 41-21-1; and
- 91 (b) is safe to operate on the highways of this state as described in Section 41-21-4.

92 (2) For a vintage vehicle with a model year of [~~1980~~] 1982 or older, the signed  
93 statement described in Subsection (1) is in lieu of an emissions inspection, from which a  
94 vintage vehicle is exempt under Subsection 41-6a-1642(4).

95 (3) Before registration of a vintage vehicle that has a model year of [~~1981~~] 1983 or  
96 newer, an owner shall:

- 97 (a) obtain a certificate of emissions inspection as provided in Section 41-6a-1642; or
- 98 (b) provide proof of vehicle insurance coverage for the vintage vehicle that is a type  
99 specific to a vehicle collector.

100 Section 3. Section 41-1a-401 is amended to read:

101 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of**  
102 **registration in lieu of or used with plates.**

103 (1) (a) Except as provided in Subsection (1)(c), the division upon registering a vehicle  
104 shall issue to the owner:

- 105 (i) one license plate for a motorcycle, trailer, or semitrailer;
- 106 (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which  
107 shall be attached in plain sight to the rear of the park model recreational vehicle;
- 108 (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain  
109 sight to the rear of the camper; and
- 110 (iv) two identical license plates for every other vehicle.

111 (b) The license plate or decal issued under Subsection (1)(a) is for the particular  
112 vehicle registered and may not be removed during the term for which the license plate or decal  
113 is issued or used upon any other vehicle than the registered vehicle.

114 (c) (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection  
115 (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the  
116 ownership of which has been otherwise released, shall transfer the license plate issued to the  
117 person applying to register the vehicle if:

- 118 (A) the previous registered owner has included the license plate as part of the sale,

119 trade, or ownership release; and

120 (B) the person applying to register the vehicle applies to transfer the license plate to the  
121 new registered owner of the vehicle.

122 (ii) The division may not transfer a personalized or special group license plate to a new  
123 registered owner under this Subsection (1)(c) if the new registered owner does not meet the  
124 qualification or eligibility requirements for that personalized or special group license plate  
125 under Sections [41-1a-410](#) through [41-1a-422](#).

126 (2) The division may receive applications for registration renewal, renew registration,  
127 and issue new license plates or decals at any time prior to the expiration of registration.

128 (3) (a) (i) Except as provided in Subsection (3)(a)(iii), all license plates to be  
129 manufactured and issued by the division shall be treated with a fully reflective material on the  
130 plate face that provides effective and dependable reflective brightness during the service period  
131 of the license plate.

132 (ii) Except as provided in Subsection (3)(a)(iii), for a historical support special group  
133 license plate created under this part, the division shall procure reflective material to satisfy the  
134 requirement under Subsection (3)(a)(i) as soon as such material is available at a reasonable  
135 cost.

136 (iii) Notwithstanding the reflectivity requirement described in Subsection (3)(a)(i), the  
137 division may manufacture and issue a historical support special group license plate without a  
138 fully reflective plate face if:

139 (A) the historical special group license plate is requested for a vintage vehicle that has  
140 a model year of [~~1980~~] 1982 or older; and

141 (B) the division has manufacturing equipment and technology available to produce the  
142 plate in small quantities.

143 (b) The division shall prescribe all license plate material specifications and establish  
144 and implement procedures for conforming to the specifications.

145 (c) The specifications for the materials used such as the aluminum plate substrate, the  
146 reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may  
147 qualify as suppliers.

148 (d) The granting of contracts for the materials shall be by public bid.

149 (4) (a) The commission may issue, adopt, and require the use of indicia of registration

150 it considers advisable in lieu of or in conjunction with license plates as provided in this part.

151 (b) All provisions of this part relative to license plates apply to these indicia of  
152 registration, so far as the provisions are applicable.

153 (5) A violation of this section is an infraction.

154 Section 4. Section **41-1a-422** is amended to read:

155 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
156 **contribution collection procedures.**

157 (1) As used in this section:

158 (a) (i) except as provided in Subsection (1)(a)(ii), "contributor" means a person who  
159 has donated or in whose name at least \$25 has been donated to:

160 (A) a scholastic scholarship fund of a single named institution;

161 (B) the Department of Veterans and Military Affairs for veterans programs;

162 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in  
163 Section [23-14-13](#), for conservation of wildlife and the enhancement, preservation, protection,  
164 access, and management of wildlife habitat;

165 (D) the Department of Agriculture and Food for the benefit of conservation districts;

166 (E) the Division of Outdoor Recreation for the benefit of snowmobile programs;

167 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with  
168 the donation evenly divided between the two;

169 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America  
170 council as specified by the contributor;

171 (H) No More Homeless Pets in Utah for distribution to organizations or individuals  
172 that provide spay and neuter programs that subsidize the sterilization of domestic animals;

173 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth  
174 development programs;

175 (J) the Utah Association of Public School Foundations to support public education;

176 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to  
177 assist people who have severe housing needs;

178 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)  
179 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
180 Safety employees;

181 (M) the Division of Outdoor Recreation for distribution to organizations that provide  
182 support for Zion National Park;

183 (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support  
184 firefighter organizations;

185 (O) the Share the Road Bicycle Support Restricted Account created in Section  
186 72-2-127 to support bicycle operation and safety awareness programs;

187 (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support  
188 cancer research programs;

189 (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support  
190 autism awareness programs;

191 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account  
192 created in Section 9-17-102 to support humanitarian service and educational and cultural  
193 programs;

194 (S) Upon renewal of a prostate cancer support special group license plate, to the  
195 Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research  
196 programs;

197 (T) the Choose Life Adoption Support Restricted Account created in Section 80-2-502  
198 to support programs that promote adoption;

199 (U) the National Professional Men's Basketball Team Support of Women and Children  
200 Issues Restricted Account created in Section 26B-1-302;

201 (V) the Utah Law Enforcement Memorial Support Restricted Account created in  
202 Section 53-1-120;

203 (W) the Children with Cancer Support Restricted Account created in Section  
204 26-21a-304 for programs that provide assistance to children with cancer;

205 (X) the National Professional Men's Soccer Team Support of Building Communities  
206 Restricted Account created in Section 9-19-102;

207 (Y) the Children with Heart Disease Support Restricted Account created in Section  
208 26-58-102;

209 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education  
210 and Leadership Restricted Account created in Section 4-42-102;

211 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

212 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and  
213 operation and maintenance of existing, state-owned firearm shooting ranges;  
214 (BB) the Utah State Historical Society to further the mission and purpose of the Utah  
215 State Historical Society;  
216 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section  
217 72-2-130;  
218 (DD) clean air support causes, with half of the donation deposited into the Clean Air  
219 Support Restricted Account created in Section 19-1-109, and half of the donation deposited  
220 into the Clean Air Fund created in Section 59-10-1319;  
221 (EE) the Latino Community Support Restricted Account created in Section 13-1-16;  
222 (FF) the Allyson Gamble Organ Donation Contribution Fund created in Section  
223 26-18b-101;  
224 (GG) public education on behalf of the Kiwanis International clubs, with the amount of  
225 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support  
226 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis  
227 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts  
228 deposited into the Uniform School Fund;  
229 (HH) the Governor's Suicide Prevention Fund created in Section 62A-15-1103 to  
230 support the Live On suicide prevention campaign administered by the Division of Integrated  
231 Healthcare; or  
232 (II) the State Park Fees Restricted Account created in Section 79-4-402 to support the  
233 Division of State Parks' dark sky initiative.  
234 (ii) (A) For a veterans special group license plate described in Subsection (4) or  
235 41-1a-421(1)(a)(v), "contributor" means a person who has donated or in whose name at least a  
236 \$25 donation at the time of application and \$10 annual donation thereafter has been made.  
237 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a  
238 person who:  
239 (I) has donated or in whose name at least \$30 has been donated at the time of  
240 application and annually after the time of application; and  
241 (II) is a member of a trade organization for real estate licensees that has more than  
242 15,000 Utah members.



243 (C) For an Honoring Heroes special group license plate, "contributor" means a person  
244 who has donated or in whose name at least \$35 has been donated at the time of application and  
245 annually thereafter.

246 (D) For a firefighter support special group license plate, "contributor" means a person  
247 who:

248 (I) has donated or in whose name at least \$15 has been donated at the time of  
249 application and annually after the time of application; and

250 (II) is a currently employed, volunteer, or retired firefighter.

251 (E) For a cancer research special group license plate, "contributor" means a person who  
252 has donated or in whose name at least \$35 has been donated at the time of application and  
253 annually after the time of application.

254 (F) For a Utah Law Enforcement Memorial Support special group license plate,  
255 "contributor" means a person who has donated or in whose name at least \$35 has been donated  
256 at the time of application and annually thereafter.

257 (b) "Institution" means a state institution of higher education as defined under Section  
258 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or  
259 national accrediting agency recognized by the United States Department of Education.

260 (2) (a) An applicant for original or renewal collegiate special group license plates under  
261 Subsection (1)(a)(i) must be a contributor to the institution named in the application and  
262 present the original contribution verification form under Subsection (2)(b) or make a  
263 contribution to the division at the time of application under Subsection (3).

264 (b) An institution with a support special group license plate shall issue to a contributor  
265 a verification form designed by the commission containing:

266 (i) the name of the contributor;

267 (ii) the institution to which a donation was made;

268 (iii) the date of the donation; and

269 (iv) an attestation that the donation was for a scholastic scholarship.

270 (c) The state auditor may audit each institution to verify that the money collected by the  
271 institutions from contributors is used for scholastic scholarships.

272 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
273 commission shall charge the institution whose plate was issued, a fee determined in accordance

274 with Section 63J-1-504 for management and administrative expenses incurred in issuing and  
275 renewing the collegiate license plates.

276 (e) If the contribution is made at the time of application, the contribution shall be  
277 collected, treated, and deposited as provided under Subsection (3).

278 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), an applicant for original or  
279 renewal support special group license plates under this section must be a contributor to the  
280 sponsoring organization associated with the license plate.

281 (ii) An applicant for a historical special group license plate is not required to make a  
282 donation to the Utah State Historical Society if the historical special group license plate is for a  
283 vintage vehicle that has a model year of [~~1980~~] 1982 or older.

284 (b) This contribution shall be:

285 (i) unless collected by the named institution under Subsection (2), collected by the  
286 division;

287 (ii) considered a voluntary contribution for the funding of the activities specified under  
288 this section and not a motor vehicle registration fee;

289 (iii) deposited into the appropriate account less actual administrative costs associated  
290 with issuing the license plates; and

291 (iv) for a firefighter special group license plate, deposited into the appropriate account  
292 less:

293 (A) the costs of reordering firefighter special group license plate decals; and

294 (B) the costs of replacing recognition special group license plates with new license  
295 plates under Subsection 41-1a-1211(13).

296 (c) The donation described in Subsection (1)(a) must be made in the 12 months before  
297 registration or renewal of registration.

298 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to  
299 the division when issuing original:

300 (i) snowmobile license plates; or

301 (ii) conservation license plates.

302 (4) Veterans license plates shall display one of the symbols representing the Army,  
303 Navy, Air Force, Marines, Coast Guard, or American Legion.

304 Section 5. Section **41-1a-1206** is amended to read:

305 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

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

309 (a) \$46.00 for each motorcycle;

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

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

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

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

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

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

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

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

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

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

326 (g) \$45 for each vintage vehicle that has a model year of [~~1981~~] 1983 or newer;

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

328 (i) an amount equal to the road usage charge cap described in Section [72-1-213.1](#) for:

329 (A) each electric motor vehicle; and

330 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled  
331 exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;

332 (ii) \$21.75 for each hybrid electric motor vehicle; and

333 (iii) \$56.50 for each plug-in hybrid electric motor vehicle; and

334 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a  
335 model year of [~~1981~~] 1983 or newer, 50 cents.

336 (2) (a) At the time application is made for registration or renewal of registration of a  
337 vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a  
338 registration fee shall be paid to the division as follows:

339 (i) \$34.50 for each motorcycle; and

340 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,  
341 excluding motorcycles.

342 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal  
343 of registration of a vehicle under this chapter for a six-month registration period under Section  
344 41-1a-215.5 a registration fee shall be paid to the division as follows:

345 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:

346 (A) each electric motor vehicle; and

347 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled exclusively  
348 by a source other than motor fuel, diesel fuel, natural gas, or propane;

349 (ii) \$16.50 for each hybrid electric motor vehicle; and

350 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.

351 (3) (a) (i) Beginning on January 1, 2019, the commission shall, on January 1, annually  
352 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i),  
353 (1)(e)(i), (1)(f)(i), (1)(g), (2)(a), (4)(a), and (7), by taking the registration fee rate for the  
354 previous year and adding an amount equal to the greater of:

355 (A) an amount calculated by multiplying the registration fee of the previous year by the  
356 actual percentage change during the previous fiscal year in the Consumer Price Index; and

357 (B) 0.

358 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually adjust  
359 the registration fees described in Subsections (1)(h)(ii) and (iii) and (2)(b)(ii) and (iii) by taking  
360 the registration fee rate for the previous year and adding an amount equal to the greater of:

361 (A) an amount calculated by multiplying the registration fee of the previous year by the  
362 actual percentage change during the previous fiscal year in the Consumer Price Index; and

363 (B) 0.

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

366 (4) (a) The initial registration fee for a vintage vehicle that has a model year of [1980]

367 1982 or older is \$40.

368 (b) A vintage vehicle that has a model year of [~~1980~~] 1982 or older is exempt from the  
369 renewal of registration fees under Subsection (1).

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

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

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

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

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

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

383 (8) Except as provided in Section [41-6a-1642](#), a truck may not be registered as a farm  
384 truck unless:

385 (a) the truck meets the definition of a farm truck under Section [41-1a-102](#); and

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

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

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

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

395 Section 6. Section [41-6a-1642](#) is amended to read:

396 **[41-6a-1642. Emissions inspection -- County program.](#)**

397 (1) The legislative body of each county required under federal law to utilize a motor

398 vehicle emissions inspection and maintenance program or in which an emissions inspection  
399 and maintenance program is necessary to attain or maintain any national ambient air quality  
400 standard shall require:

401 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle  
402 is exempt from emissions inspection and maintenance program requirements be presented:

403 (i) as a condition of registration or renewal of registration; and

404 (ii) at other times as the county legislative body may require to enforce inspection  
405 requirements for individual motor vehicles, except that the county legislative body may not  
406 routinely require a certificate of emissions inspection, or waiver of the certificate, more often  
407 than required under Subsection (9); and

408 (b) compliance with this section for a motor vehicle registered or principally operated  
409 in the county and owned by or being used by a department, division, instrumentality, agency, or  
410 employee of:

411 (i) the federal government;

412 (ii) the state and any of its agencies; or

413 (iii) a political subdivision of the state, including school districts.

414 (2) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle emissions  
415 inspection and maintenance program certificate of emissions inspection as described in  
416 Subsection (1), but the program may not deny vehicle registration based solely on the presence  
417 of a defeat device covered in the Volkswagen partial consent decrees or a United States  
418 Environmental Protection Agency-approved vehicle modification in the following vehicles:

419 (a) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
420 emissions are mitigated in the state pursuant to a partial consent decree, including:

421 (i) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;

422 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
423 2014;

424 (iii) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;

425 (iv) Volkswagen Golf Sportwagen, model year 2015;

426 (v) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;

427 (vi) Volkswagen Beetle, model years 2013, 2014, and 2015;

428 (vii) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and

- 429 (viii) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and  
430 (b) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide  
431 emissions are mitigated in the state to a settlement, including:  
432 (i) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and  
433 2016;  
434 (ii) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;  
435 (iii) Audi A6 Quattro, model years 2014, 2015, and 2016;  
436 (iv) Audi A7 Quattro, model years 2014, 2015, and 2016;  
437 (v) Audi A8, model years 2014, 2015, and 2016;  
438 (vi) Audi A8L, model years 2014, 2015, and 2016;  
439 (vii) Audi Q5, model years 2014, 2015, and 2016; and  
440 (viii) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.  
441 (3) (a) The legislative body of a county identified in Subsection (1), in consultation  
442 with the Air Quality Board created under Section [19-1-106](#), shall make regulations or  
443 ordinances regarding:  
444 (i) emissions standards;  
445 (ii) test procedures;  
446 (iii) inspections stations;  
447 (iv) repair requirements and dollar limits for correction of deficiencies; and  
448 (v) certificates of emissions inspections.  
449 (b) In accordance with Subsection (3)(a), a county legislative body:  
450 (i) shall make regulations or ordinances to attain or maintain ambient air quality  
451 standards in the county, consistent with the state implementation plan and federal  
452 requirements;  
453 (ii) may allow for a phase-in of the program by geographical area; and  
454 (iii) shall comply with the analyzer design and certification requirements contained in  
455 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.  
456 (c) The county legislative body and the Air Quality Board shall give preference to an  
457 inspection and maintenance program that:  
458 (i) is decentralized, to the extent the decentralized program will attain and maintain  
459 ambient air quality standards and meet federal requirements;

460 (ii) is the most cost effective means to achieve and maintain the maximum benefit with  
461 regard to ambient air quality standards and to meet federal air quality requirements as related to  
462 vehicle emissions; and

463 (iii) provides a reasonable phase-out period for replacement of air pollution emission  
464 testing equipment made obsolete by the program.

465 (d) The provisions of Subsection (3)(c)(iii) apply only to the extent the phase-out:

466 (i) may be accomplished in accordance with applicable federal requirements; and

467 (ii) does not otherwise interfere with the attainment and maintenance of ambient air  
468 quality standards.

469 (4) The following vehicles are exempt from an emissions inspection program and the  
470 provisions of this section:

471 (a) an implement of husbandry as defined in Section 41-1a-102;

472 (b) a motor vehicle that:

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

474 (ii) has a gross vehicle weight rating of 12,001 pounds or more;

475 (c) a vintage vehicle as defined in Section 41-21-1:

476 (i) if the vintage vehicle has a model year of [~~1980~~] 1982 or older; or

477 (ii) for a vintage vehicle that has a model year of [~~1981~~] 1983 or newer, if the owner  
478 provides proof of vehicle insurance that is a type specific to a vehicle collector;

479 (d) a custom vehicle as defined in Section 41-6a-1507;

480 (e) to the extent allowed under the current federally approved state implementation  
481 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor  
482 vehicle that is less than two years old on January 1 based on the age of the vehicle as  
483 determined by the model year identified by the manufacturer;

484 (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating  
485 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed  
486 statement to the legislative body stating the truck is used:

487 (i) by the owner or operator of a farm located on property that qualifies as land in  
488 agricultural use under Sections 59-2-502 and 59-2-503; and

489 (ii) exclusively for the following purposes in operating the farm:

490 (A) for the transportation of farm products, including livestock and its products,



491 poultry and its products, floricultural and horticultural products; and

492 (B) in the transportation of farm supplies, including tile, fence, and every other thing or  
493 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production  
494 and maintenance;

495 (g) a motorcycle as defined in Section 41-1a-102;

496 (h) an electric motor vehicle as defined in Section 41-1a-102; and

497 (i) a motor vehicle with a model year of 1967 or older.

498 (5) The county shall issue to the registered owner who signs and submits a signed  
499 statement under Subsection (4)(f) a certificate of exemption from emissions inspection  
500 requirements for purposes of registering the exempt vehicle.

501 (6) A legislative body of a county described in Subsection (1) may exempt from an  
502 emissions inspection program a diesel-powered motor vehicle with a:

503 (a) gross vehicle weight rating of more than 14,000 pounds; or

504 (b) model year of 1997 or older.

505 (7) The legislative body of a county required under federal law to utilize a motor  
506 vehicle emissions inspection program shall require:

507 (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:

508 (i) a model year of 2007 or newer;

509 (ii) a gross vehicle weight rating of 14,000 pounds or less; and

510 (iii) a model year that is five years old or older; and

511 (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:

512 (i) with a gross vehicle weight rating of 14,000 pounds or less;

513 (ii) that has a model year of 1998 or newer; and

514 (iii) that has a model year that is five years old or older.

515 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under  
516 federal law to utilize a motor vehicle emissions inspection and maintenance program or in  
517 which an emissions inspection and maintenance program is necessary to attain or maintain any  
518 national ambient air quality standard may require each college or university located in a county  
519 subject to this section to require its students and employees who park a motor vehicle not  
520 registered in a county subject to this section to provide proof of compliance with an emissions  
521 inspection accepted by the county legislative body if the motor vehicle is parked on the college

522 or university campus or property.

523 (b) College or university parking areas that are metered or for which payment is  
524 required per use are not subject to the requirements of this Subsection (8).

525 (c) The legislative body of a county shall make the reasons for implementing the  
526 provisions of this Subsection (8) part of the record at the time that the county legislative body  
527 takes its official action to implement the provisions of this Subsection (8).

528 (9) (a) An emissions inspection station shall issue a certificate of emissions inspection  
529 for each motor vehicle that meets the inspection and maintenance program requirements  
530 established in regulations or ordinances made under Subsection (3).

531 (b) The frequency of the emissions inspection shall be determined based on the age of  
532 the vehicle as determined by model year and shall be required annually subject to the  
533 provisions of Subsection (9)(c).

534 (c) (i) To the extent allowed under the current federally approved state implementation  
535 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative  
536 body of a county identified in Subsection (1) shall only require the emissions inspection every  
537 two years for each vehicle.

538 (ii) The provisions of Subsection (9)(c)(i) apply only to a vehicle that is less than six  
539 years old on January 1.

540 (iii) For a county required to implement a new vehicle emissions inspection and  
541 maintenance program on or after December 1, 2012, under Subsection (1), but for which no  
542 current federally approved state implementation plan exists, a vehicle shall be tested at a  
543 frequency determined by the county legislative body, in consultation with the Air Quality  
544 Board created under Section [19-1-106](#), that is necessary to comply with federal law or attain or  
545 maintain any national ambient air quality standard.

546 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
547 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment  
548 or change shall take effect on January 1 if the State Tax Commission receives notice meeting  
549 the requirements of Subsection (9)(c)(v) from the county before October 1.

550 (v) The notice described in Subsection (9)(c)(iv) shall:

551 (A) state that the county will establish or change the frequency of the vehicle emissions  
552 inspection and maintenance program under this section;

553 (B) include a copy of the ordinance establishing or changing the frequency; and  
554 (C) if the county establishes or changes the frequency under this section, state how  
555 frequently the emissions testing will be required.

556 (d) If an emissions inspection is only required every two years for a vehicle under  
557 Subsection (9)(c), the inspection shall be required for the vehicle in:

- 558 (i) odd-numbered years for vehicles with odd-numbered model years; or
- 559 (ii) in even-numbered years for vehicles with even-numbered model years.

560 (10) (a) Except as provided in Subsections (9)(b), (c), and (d), the emissions inspection  
561 required under this section may be made no more than two months before the renewal of  
562 registration.

563 (b) (i) If the title of a used motor vehicle is being transferred, the owner may use an  
564 emissions inspection certificate issued for the motor vehicle during the previous 11 months to  
565 satisfy the requirement under this section.

566 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, the owner may  
567 use an emissions inspection certificate issued for the motor vehicle in a licensed and bonded  
568 motor vehicle dealer's name during the previous 11 months to satisfy the requirement under  
569 this section.

570 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, the  
571 lessee may use an emissions inspection certificate issued during the previous 11 months to  
572 satisfy the requirement under this section.

573 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not  
574 use an emissions inspection made more than 11 months before the renewal of registration to  
575 satisfy the requirement under this section.

576 (e) If the application for renewal of registration is for a six-month registration period  
577 under Section [41-1a-215.5](#), the owner may use an emissions inspection certificate issued during  
578 the previous eight months to satisfy the requirement under this section.

579 (11) (a) A county identified in Subsection (1) shall collect information about and  
580 monitor the program.

581 (b) A county identified in Subsection (1) shall supply this information to an appropriate  
582 legislative committee, as designated by the Legislative Management Committee, at times  
583 determined by the designated committee to identify program needs, including funding needs.

584 (12) If approved by the county legislative body, a county that had an established  
585 emissions inspection fee as of January 1, 2002, may increase the established fee that an  
586 emissions inspection station may charge by \$2.50 for each year that is exempted from  
587 emissions inspections under Subsection (9)(c) up to a \$7.50 increase.

588 (13) (a) Except as provided in Subsection 41-1a-1223(1)(c), a county identified in  
589 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration  
590 within the county in accordance with the procedures and requirements of Section 41-1a-1223.

591 (b) A county that imposes a local emissions compliance fee may use revenues  
592 generated from the fee for the establishment and enforcement of an emissions inspection and  
593 maintenance program in accordance with the requirements of this section.

594 (c) A county that imposes a local emissions compliance fee may use revenues  
595 generated from the fee to promote programs to maintain a local, state, or national ambient air  
596 quality standard.

597 (14) (a) If a county has reason to believe that a vehicle owner has provided an address  
598 as required in Section 41-1a-209 to register or attempt to register a motor vehicle in a county  
599 other than the county of the bona fide residence of the owner in order to avoid an emissions  
600 inspection required under this section, the county may investigate and gather evidence to  
601 determine whether the vehicle owner has used a false address or an address other than the  
602 vehicle owner's bona fide residence or place of business.

603 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
604 determines that the vehicle owner has used a false or improper address in an effort to avoid an  
605 emissions inspection as required in this section, the county may impose a civil penalty of  
606 \$1,000.

607 Section 7. Section 41-21-1 is amended to read:

608 **41-21-1. Definitions.**

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

610 (2) "Motorcycle" means:

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

613 (b) an autocycle.

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

- 615 (i) (A) was manufactured in 1948 or before; or  
616 (B) (I) was manufactured after 1948 to resemble a vehicle that was manufactured in  
617 1948 or before; and  
618 (II) (Aa) has been altered from the manufacturer's original design; or  
619 (Bb) has a body constructed from non-original materials; and  
620 (ii) is primarily a collector's item that is used for:  
621 (A) club activities;  
622 (B) exhibitions;  
623 (C) tours;  
624 (D) parades;  
625 (E) occasional transportation; and  
626 (F) other similar uses.  
627 (b) "Street rod" does not include a motor vehicle or motorcycle that is used for general,  
628 daily transportation.  
629 (4) (a) "Vintage travel trailer" means a travel trailer, camping trailer, or fifth wheel  
630 trailer that is:  
631 (i) 30 years old or older, from the current year; and  
632 (ii) primarily a collector's item that is used for:  
633 (A) participation in club activities;  
634 (B) exhibitions;  
635 (C) tours;  
636 (D) parades;  
637 (E) occasional recreational or vacation use; and  
638 (F) other similar uses.  
639 (b) "Vintage travel trailer" does not include a travel trailer, camping trailer, or fifth  
640 wheel trailer that is used for the general, daily transportation of persons or property.  
641 (5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:  
642 (i) is 30 years old or older from the current year;  
643 (ii) displays:  
644 (A) a unique vehicle type special group license plate issued in accordance with Section  
645 41-1a-418; or

646 (B) for a vehicle that has a model year of [~~1980~~] 1982 or older, a historical support  
647 special group plate; and

648 (iii) is primarily a collector's item that is used for:

649 (A) participation in club activities;

650 (B) exhibitions;

651 (C) tours;

652 (D) parades;

653 (E) occasional transportation; and

654 (F) other similar uses.

655 (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for  
656 general, daily transportation.

657 (c) "Vintage vehicle" includes a:

658 (i) street rod; and

659 (ii) vintage travel trailer.

660 Section 8. Section **59-12-103** is amended to read:

661 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
662 **tax revenues.**

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

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

666 (b) amounts paid for:

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

669 (ii) mobile telecommunications service that originates and terminates within the  
670 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
671 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

672 (iii) an ancillary service associated with a:

673 (A) telecommunications service described in Subsection (1)(b)(i); or

674 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

675 (c) sales of the following for commercial use:

676 (i) gas;

- 677 (ii) electricity;
- 678 (iii) heat;
- 679 (iv) coal;
- 680 (v) fuel oil; or
- 681 (vi) other fuels;
- 682 (d) sales of the following for residential use:
- 683 (i) gas;
- 684 (ii) electricity;
- 685 (iii) heat;
- 686 (iv) coal;
- 687 (v) fuel oil; or
- 688 (vi) other fuels;
- 689 (e) sales of prepared food;
- 690 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
- 691 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 692 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 693 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 694 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 695 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 696 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 697 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 698 exhibition, cultural, or athletic activity;
- 699 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 700 property, unless Section [59-12-104](#) provides for an exemption from sales and use tax for:
- 701 (i) the tangible personal property; and
- 702 (ii) parts used in the repairs or renovations of the tangible personal property described
- 703 in Subsection (1)(g)(i), regardless of whether:
- 704 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 705 property; or
- 706 (B) the particular parts used in the repairs or renovations of that tangible personal
- 707 property are exempt from a tax under this chapter;

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

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

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

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

715 (i) stored;

716 (ii) used; or

717 (iii) otherwise consumed;

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

720 (i) stored;

721 (ii) used; or

722 (iii) consumed; and

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

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

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

726 (ii) regardless of whether the sale provides:

727 (A) a right of permanent use of the product; or

728 (B) a right to use the product that is less than a permanent use, including a right:

729 (I) for a definite or specified length of time; and

730 (II) that terminates upon the occurrence of a condition.

731 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax  
732 are imposed on a transaction described in Subsection (1) equal to the sum of:

733 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

734 (A) 4.70% plus the rate specified in Subsection (12)(a); and

735 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
736 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
737 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
738 State Sales and Use Tax Act; and



739 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
740 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
741 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
742 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

743 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
744 transaction under this chapter other than this part.

745 (b) Except as provided in Subsection (2)(e) or (f) and subject to Subsection (2)(k), a  
746 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
747 the sum of:

748 (i) a state tax imposed on the transaction at a tax rate of 2%; and

749 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
750 transaction under this chapter other than this part.

751 (c) Except as provided in Subsection (2)(e) or (f), a state tax and a local tax are  
752 imposed on amounts paid or charged for food and food ingredients equal to the sum of:

753 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
754 a tax rate of 1.75%; and

755 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
756 amounts paid or charged for food and food ingredients under this chapter other than this part.

757 (d) Except as provided in Subsection (2)(e) or (f), a state tax is imposed on amounts  
758 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at  
759 a rate of 4.85%.

760 (e) (i) For a bundled transaction that is attributable to food and food ingredients and  
761 tangible personal property other than food and food ingredients, a state tax and a local tax is  
762 imposed on the entire bundled transaction equal to the sum of:

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

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

765 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
766 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
767 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
768 Additional State Sales and Use Tax Act; and

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

770 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
771 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
772 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

773 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
774 described in Subsection (2)(a)(ii).

775 (ii) If an optional computer software maintenance contract is a bundled transaction that  
776 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
777 similar billing document, the purchase of the optional computer software maintenance contract  
778 is 40% taxable under this chapter and 60% nontaxable under this chapter.

779 (iii) Subject to Subsection (2)(e)(iv), for a bundled transaction other than a bundled  
780 transaction described in Subsection (2)(e)(i) or (ii):

781 (A) if the sales price of the bundled transaction is attributable to tangible personal  
782 property, a product, or a service that is subject to taxation under this chapter and tangible  
783 personal property, a product, or service that is not subject to taxation under this chapter, the  
784 entire bundled transaction is subject to taxation under this chapter unless:

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

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

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

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

796 (II) state or federal law provides otherwise.

797 (iv) For purposes of Subsection (2)(e)(iii), books and records that a seller keeps in the  
798 seller's regular course of business includes books and records the seller keeps in the regular  
799 course of business for nontax purposes.

800 (f) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(f)(ii)

801 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
802 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
803 of tangible personal property, other property, a product, or a service that is not subject to  
804 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
805 the seller, at the time of the transaction:

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

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

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

812 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
813 the transaction that is not subject to taxation under this chapter was not separately stated on an  
814 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
815 ignorance of the law; and

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

819 (iii) For purposes of Subsections (2)(f)(i) and (ii), books and records that a seller keeps  
820 in the seller's regular course of business includes books and records the seller keeps in the  
821 regular course of business for nontax purposes.

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

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

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

831 (ii) For purposes of Subsection (2)(g)(i), books and records that a seller keeps in the

832 seller's regular course of business includes books and records the seller keeps in the regular  
833 course of business for nontax purposes.

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

- 836 (i) Subsection (2)(a)(i)(A);
- 837 (ii) Subsection (2)(b)(i);
- 838 (iii) Subsection (2)(c)(i); or
- 839 (iv) Subsection (2)(e)(i)(A)(I).

840 (i) (i) A tax rate increase takes effect on the first day of the first billing period that  
841 begins on or after the effective date of the tax rate increase if the billing period for the  
842 transaction begins before the effective date of a tax rate increase imposed under:

- 843 (A) Subsection (2)(a)(i)(A);
- 844 (B) Subsection (2)(b)(i);
- 845 (C) Subsection (2)(c)(i); or
- 846 (D) Subsection (2)(e)(i)(A)(I).

847 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
848 statement for the billing period is rendered on or after the effective date of the repeal of the tax  
849 or the tax rate decrease imposed under:

- 850 (A) Subsection (2)(a)(i)(A);
- 851 (B) Subsection (2)(b)(i);
- 852 (C) Subsection (2)(c)(i); or
- 853 (D) Subsection (2)(e)(i)(A)(I).

854 (j) (i) For a tax rate described in Subsection (2)(j)(ii), if a tax due on a catalogue sale is  
855 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or  
856 change in a tax rate takes effect:

- 857 (A) on the first day of a calendar quarter; and
- 858 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

859 (ii) Subsection (2)(j)(i) applies to the tax rates described in the following:

- 860 (A) Subsection (2)(a)(i)(A);
- 861 (B) Subsection (2)(b)(i);
- 862 (C) Subsection (2)(c)(i); or

863 (D) Subsection (2)(e)(i)(A)(I).

864 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
865 the commission may by rule define the term "catalogue sale."

866 (k) (i) For a location described in Subsection (2)(k)(ii), the commission shall determine  
867 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the  
868 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

869 (ii) Subsection (2)(k)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
870 or other fuel is furnished through a single meter for two or more of the following uses:

871 (A) a commercial use;

872 (B) an industrial use; or

873 (C) a residential use.

874 (3) (a) The following state taxes shall be deposited into the General Fund:

875 (i) the tax imposed by Subsection (2)(a)(i)(A);

876 (ii) the tax imposed by Subsection (2)(b)(i);

877 (iii) the tax imposed by Subsection (2)(c)(i); and

878 (iv) the tax imposed by Subsection (2)(e)(i)(A)(I).

879 (b) The following local taxes shall be distributed to a county, city, or town as provided  
880 in this chapter:

881 (i) the tax imposed by Subsection (2)(a)(ii);

882 (ii) the tax imposed by Subsection (2)(b)(ii);

883 (iii) the tax imposed by Subsection (2)(c)(ii); and

884 (iv) the tax imposed by Subsection (2)(e)(i)(B).

885 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General  
886 Fund.

887 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
888 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)  
889 through (g):

890 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

891 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

892 (B) for the fiscal year; or

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

894 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
895 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax  
896 revenue to the Department of Natural Resources to:

897 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
898 protect sensitive plant and animal species; or

899 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
900 act, to political subdivisions of the state to implement the measures described in Subsections  
901 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

902 (ii) Money transferred to the Department of Natural Resources under Subsection  
903 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
904 person to list or attempt to have listed a species as threatened or endangered under the  
905 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

906 (iii) At the end of each fiscal year:

907 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
908 Water Resources Conservation and Development Fund created in Section 73-10-24;

909 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
910 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

911 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
912 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

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

916 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
917 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to  
918 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for  
919 the adjudication of water rights.

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

921 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
922 Water Resources Conservation and Development Fund created in Section 73-10-24;

923 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
924 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

925 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
926 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

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

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

933 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
934 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
935 quantifying surface and ground water resources and describing the hydrologic systems of an  
936 area in sufficient detail so as to enable local and state resource managers to plan for and  
937 accommodate growth in water use without jeopardizing the resource;

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

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

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

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

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

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

950 (iii) develop surface water sources.

951 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
952 2006, the difference between the following amounts shall be expended as provided in this  
953 Subsection (5), if that difference is greater than \$1:

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

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

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

958 (A) transferred each fiscal year to the Department of Natural Resources as designated  
959 sales and use tax revenue; and

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

962 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
963 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation  
964 and Development Fund created in Section 73-10-24.

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

967 (A) transferred each fiscal year to the Division of Water Resources as designated sales  
968 and use tax revenue; and

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

971 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
972 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation  
973 and Development Fund created in Section 73-10-24.

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

978 (i) preconstruction costs:

979 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
980 26, Bear River Development Act; and

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

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

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



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

989 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the  
990 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water  
991 Rights Restricted Account created by Section 73-2-1.6.

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

995 (a) for fiscal year 2020-21 only:

996 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the  
997 Transportation Investment Fund of 2005 created by Section 72-2-124; and

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

1000 (b) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described  
1001 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account  
1002 created by Section 73-10g-103.

1003 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in  
1004 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,  
1005 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
1006 created by Section 72-2-124:

1007 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of  
1008 the revenues collected from the following taxes, which represents a portion of the  
1009 approximately 17% of sales and use tax revenues generated annually by the sales and use tax  
1010 on vehicles and vehicle-related products:

1011 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1012 (B) the tax imposed by Subsection (2)(b)(i);

1013 (C) the tax imposed by Subsection (2)(c)(i); and

1014 (D) the tax imposed by Subsection (2)(e)(i)(A)(I); plus

1015 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the  
1016 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through  
1017 (D) that exceeds the amount collected from the sales and use taxes described in Subsections

1018 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1019 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of  
1020 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total  
1021 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)  
1022 generated in the current fiscal year than the total percentage of sales and use taxes deposited in  
1023 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection  
1024 (7)(a) equal to the product of:

1025 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the  
1026 previous fiscal year; and

1027 (B) the total sales and use tax revenue generated by the taxes described in Subsections  
1028 (7)(a)(i)(A) through (D) in the current fiscal year.

1029 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under  
1030 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes  
1031 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of  
1032 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in  
1033 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1034 (iii) Subject to Subsection (7)(b)(iv)(E), in all subsequent fiscal years after a year in  
1035 which 17% of the revenues collected from the sales and use taxes described in Subsections  
1036 (7)(a)(i)(A) through (D) was deposited under Subsection (7)(a), the Division of Finance shall  
1037 annually deposit 17% of the revenues collected from the sales and use taxes described in  
1038 Subsections (7)(a)(i)(A) through (D) in the current fiscal year under Subsection (7)(a).

1039 (iv) (A) As used in this Subsection (7)(b)(iv), "additional growth revenue" means the  
1040 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%  
1041 the relevant revenue collected in the previous fiscal year.

1042 (B) As used in this Subsection (7)(b)(iv), "combined amount" means the combined  
1043 total amount of money deposited into the Cottonwood Canyons fund under Subsections  
1044 (7)(b)(iv)(F) and (8)(d)(vi) in any single fiscal year.

1045 (C) As used in this Subsection (7)(b)(iv), "Cottonwood Canyons fund" means the  
1046 Cottonwood Canyons Transportation Investment Fund created in Subsection [72-2-124\(10\)](#).

1047 (D) As used in this Subsection (7)(b)(iv), "relevant revenue" means the portion of taxes  
1048 listed under Subsection (3)(a) that equals 17% of the revenue collected from taxes described in

1049 Subsections (7)(a)(i)(A) through (D).

1050 (E) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1051 reduce the deposit under Subsection (7)(b)(iii) into the Transportation Investment Fund of 2005  
1052 by an amount equal to the amount of the deposit under this Subsection (7)(b)(iv) to the  
1053 Cottonwood Canyons fund in the previous fiscal year plus 25% of additional growth revenue,  
1054 subject to the limit in Subsection (7)(b)(iv)(F).

1055 (F) The commission shall annually deposit the amount described in Subsection  
1056 (7)(b)(iv)(E) into the Cottonwood Canyons fund, subject to an annual maximum combined  
1057 amount for any single fiscal year of \$20,000,000.

1058 (G) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1059 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1060 Canyons fund under this Subsection (7)(b)(iv) in the same proportion as the decline in relevant  
1061 revenue.

1062 (c) (i) For a fiscal year beginning on or after July 1, 2023, the commission shall  
1063 annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsections  
1064 (7)(a) and (7)(b) by an amount that is equal to 5% of:

1065 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
1066 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described  
1067 in Subsections (7)(a)(i)(A) through (D);

1068 (B) the amount of revenue generated in the current fiscal year by registration fees  
1069 designated under Section [41-1a-1201](#) to be deposited into the Transportation Investment Fund  
1070 of 2005; and

1071 (C) revenues transferred by the Division of Finance to the Transportation Investment  
1072 Fund of 2005 in accordance with Section [72-2-106](#) in the current fiscal year.

1073 (ii) The commission shall annually deposit the amount described in Subsection (7)(c)(i)  
1074 into the Active Transportation Investment Fund created in Subsection [72-2-124](#)(11).

1075 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1076 Subsections (6) and (7), and subject to Subsections (8)(b) and (d)(v), for a fiscal year beginning  
1077 on or after July 1, 2018, the commission shall annually deposit into the Transportation  
1078 Investment Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under  
1079 Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the following

1080 taxes:

1081 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1082 (ii) the tax imposed by Subsection (2)(b)(i);

1083 (iii) the tax imposed by Subsection (2)(c)(i); and

1084 (iv) the tax imposed by Subsection (2)(e)(i)(A)(I).

1085 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1086 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
1087 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1088 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1089 or use in this state that exceeds 29.4 cents per gallon.

1090 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1091 into the Transit Transportation Investment Fund created in Section [72-2-124](#).

1092 (d) (i) As used in this Subsection (8)(d), "additional growth revenue" means the  
1093 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%  
1094 the relevant revenue collected in the previous fiscal year.

1095 (ii) As used in this Subsection (8)(d), "combined amount" means the combined total  
1096 amount of money deposited into the Cottonwood Canyons fund under Subsections (7)(b)(iv)(F)  
1097 and (8)(d)(vi) in any single fiscal year.

1098 (iii) As used in this Subsection (8)(d), "Cottonwood Canyons fund" means the  
1099 Cottonwood Canyons Transportation Investment Fund created in Subsection [72-2-124](#)(10).

1100 (iv) As used in this Subsection (8)(d), "relevant revenue" means the portion of taxes  
1101 listed under Subsection (3)(a) that equals 3.68% of the revenue collected from taxes described  
1102 in Subsections (8)(a)(i) through (iv).

1103 (v) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1104 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1105 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1106 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1107 limit in Subsection (8)(d)(vi).

1108 (vi) The commission shall annually deposit the amount described in Subsection  
1109 (8)(d)(v) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1110 for any single fiscal year of \$20,000,000.

1111 (vii) If the amount of relevant revenue declines in a fiscal year compared to the  
1112 previous fiscal year, the commission shall decrease the amount of the contribution to the  
1113 Cottonwood Canyons fund under this Subsection (8)(d) in the same proportion as the decline in  
1114 relevant revenue.

1115 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1116 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1117 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1118 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(b),  
1119 and in addition to any amounts deposited under Subsections (6), (7), and (8), the Division of  
1120 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
1121 72-2-124 the amount of revenue described as follows:

1122 (i) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a .05%  
1123 tax rate on the transactions described in Subsection (1); and

1124 (ii) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%  
1125 tax rate on the transactions described in Subsection (1).

1126 (b) For purposes of Subsection (10)(a), the Division of Finance may not deposit into  
1127 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
1128 charged for food and food ingredients, except for tax revenue generated by a bundled  
1129 transaction attributable to food and food ingredients and tangible personal property other than  
1130 food and food ingredients described in Subsection (2)(e).

1131 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1132 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that  
1133 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of  
1134 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue  
1135 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,  
1136 created in Section 63N-2-512.

1137 (12) (a) The rate specified in this subsection is 0.15%.

1138 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall, for a fiscal year  
1139 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1140 rate described in Subsection (12)(a) on the transactions that are subject to the sales and use tax  
1141 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section

1142 26-36b-208.

1143 (13) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1144 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated  
1145 credit solely for use of the Search and Rescue Financial Assistance Program created in, and  
1146 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1147 (14) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of  
1148 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation  
1149 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

1150 (b) If the total revenue deposited into the Transportation Investment Fund of 2005  
1151 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of  
1152 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of  
1153 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

1154 (15) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,  
1155 beginning the first day of the calendar quarter one year after the sales and use tax boundary for  
1156 a housing and transit reinvestment zone is established, the commission, at least annually, shall  
1157 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
1158 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation  
1159 Investment Fund created in Section 72-2-124.

1160 (16) Notwithstanding Subsection (3)(a), the Division of Finance shall, for a fiscal year  
1161 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
1162 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
1163 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1164 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;  
1165 (b) the tax imposed by Subsection (2)(b)(i);  
1166 (c) the tax imposed by Subsection (2)(c)(i); and  
1167 (d) the tax imposed by Subsection (2)(e)(i)(A)(I).

1168 Section 9. Section 59-12-2220 is amended to read:

1169 **59-12-2220. County option sales and use tax to fund a system for public transit --**  
1170 **Base -- Rate.**

1171 (1) Subject to the other provisions of this part and subject to the requirements of this  
1172 section, beginning on July 1, 2019, the following counties may impose a sales and use tax

1173 under this section:

1174 (a) a county legislative body may impose the sales and use tax on the transactions  
1175 described in Subsection 59-12-103(1) located within the county, including the cities and towns  
1176 within the county if:

1177 (i) the entire boundary of a county is annexed into a large public transit district; and  
1178 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to  
1179 Section 59-12-2203 and authorized under the following sections has been imposed:

- 1180 (A) Section 59-12-2213;
- 1181 (B) Section 59-12-2214;
- 1182 (C) Section 59-12-2215;
- 1183 (D) Section 59-12-2216;
- 1184 (E) Section 59-12-2217;
- 1185 (F) Section 59-12-2218; and
- 1186 (G) Section 59-12-2219;

1187 (b) if the county is not annexed into a large public transit district, the county legislative  
1188 body may impose the sales and use tax on the transactions described in Subsection  
1189 59-12-103(1) located within the county, including the cities and towns within the county if:

- 1190 (i) the county is an eligible political subdivision as defined in Section 59-12-2219; or
- 1191 (ii) a city or town within the boundary of the county is an eligible political subdivision  
1192 as defined in Section 59-12-2219; or

1193 (c) a county legislative body of a county not described in Subsection (1)(a) may impose  
1194 the sales and use tax on the transactions described in Subsection 59-12-103(1) located within  
1195 the county, including the cities and towns within the county, if there is a public transit district  
1196 within the boundary of the county.

1197 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
1198 county legislative body that imposes a sales and use tax under this section may impose the tax  
1199 at a rate of .2%.

1200 (3) A county imposing a sales and use tax under this section shall expend the revenues  
1201 collected from the sales and use tax for capital expenses and service delivery expenses of:

- 1202 (a) a public transit district;
- 1203 (b) an eligible political subdivision, as that term is defined in Section 59-12-2219; or

1204 (c) another entity providing a service for public transit or a transit facility within the  
1205 county as those terms are defined in Section 17B-2a-802.

1206 (4) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
1207 required to, submit an opinion question to the county's registered voters in accordance with  
1208 Section 59-12-2208 to impose a sales and use tax under this section.

1209 (5) (a) Notwithstanding any other provision in this section, if a county wishes to  
1210 impose a sales and use tax under this section, the county legislative body shall pass the  
1211 ordinance to impose a sales and use tax under this section on or before June 30, [~~2023~~] 2026.

1212 (b) The county legislative body may not pass an ordinance to impose a sales and use  
1213 tax under this section on or after July 1, [~~2023~~] 2026.

1214 (c) Notwithstanding the deadline described in Subsection (5)(a), any sales and use tax  
1215 imposed under this section on or before June 30, 2023, may remain in effect.

1216 (6) (a) Revenue collected from a sales and use tax under this section may not be used  
1217 to supplant existing General Fund appropriations that a county has budgeted for transportation  
1218 or public transit as of the date the tax becomes effective for a county.

1219 (b) The limitation under Subsection (6)(a) does not apply to a designated transportation  
1220 or public transit capital or reserve account a county may have established prior to the date the  
1221 tax becomes effective.

1222 Section 10. Section 72-1-102 is amended to read:

1223 **72-1-102. Definitions.**

1224 As used in this title:

1225 (1) "Circulator alley" means a publicly owned passageway:

1226 (a) with a right-of-way width of 20 feet or greater;

1227 (b) located within a master planned community;

1228 (c) established by the city having jurisdictional authority as part of the street network  
1229 for traffic circulation that may also be used for:

1230 (i) garbage collection;

1231 (ii) access to residential garages; or

1232 (iii) access rear entrances to a commercial establishment; and

1233 (d) constructed with a bituminous or concrete pavement surface.

1234 (2) "Commission" means the Transportation Commission created under Section



1235 72-1-301.

1236 (3) "Construction" means the construction, reconstruction, replacement, and  
1237 improvement of the highways, including the acquisition of rights-of-way and material sites.

1238 (4) "Department" means the Department of Transportation created in Section 72-1-201.

1239 (5) "Executive director" means the executive director of the department appointed  
1240 under Section 72-1-202.

1241 (6) "Farm tractor" has the meaning set forth in Section 41-1a-102.

1242 (7) "Federal aid primary highway" means that portion of connected main highways  
1243 located within this state officially designated by the department and approved by the United  
1244 States Secretary of Transportation under Title 23, Highways, U.S.C.

1245 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

1246 (9) (a) "Fixed guideway capital development" means a project to construct or  
1247 reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway  
1248 public transit facility.

1249 (b) "Fixed guideway capital development" includes:

1250 (i) a project to strategically double track commuter rail lines; and

1251 (ii) a project to develop and construct public transit facilities and related infrastructure  
1252 pertaining to the Point of the Mountain State Land Authority created in Section 11-59-201.

1253 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.

1254 ~~(10)~~ (11) "Highway" means any public road, street, alley, lane, court, place, viaduct,  
1255 tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned  
1256 to the public, or made public in an action for the partition of real property, including the entire  
1257 area within the right-of-way.

1258 ~~(11)~~ (12) "Highway authority" means the department or the legislative, executive, or  
1259 governing body of a county or municipality.

1260 ~~(12)~~ (13) "Housing and transit reinvestment zone" means the same as that term is  
1261 defined in Section 63N-3-602.

1262 ~~(13)~~ (14) "Implement of husbandry" has the meaning set forth in Section 41-1a-102.

1263 ~~(14)~~ (15) "Interstate system" means any highway officially designated by the  
1264 department and included as part of the national interstate and defense highways, as provided in  
1265 the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

1266            [~~(15)~~] (16) "Large public transit district" means the same as that term is defined in  
1267 Section [17B-2a-802](#).

1268            [~~(16)~~] (17) "Limited-access facility" means a highway especially designated for  
1269 through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor  
1270 other persons have any right or easement, or have only a limited right or easement of access,  
1271 light, air, or view.

1272            [~~(17)~~] (18) "Master planned community" means a land use development:

1273            (a) designated by the city as a master planned community; and

1274            (b) comprised of a single development agreement for a development larger than 500  
1275 acres.

1276            [~~(18)~~] (19) "Motor vehicle" has the same meaning set forth in Section [41-1a-102](#).

1277            [~~(19)~~] (20) "Municipality" has the same meaning set forth in Section [10-1-104](#).

1278            [~~(20)~~] (21) "National highway systems highways" means that portion of connected  
1279 main highways located within this state officially designated by the department and approved  
1280 by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

1281            [~~(21)~~] (22) (a) "Port-of-entry" means a fixed or temporary facility constructed,  
1282 operated, and maintained by the department where drivers, vehicles, and vehicle loads are  
1283 checked or inspected for compliance with state and federal laws as specified in Section  
1284 [72-9-501](#).

1285            (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

1286            [~~(22)~~] (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform  
1287 the duties specified in Section [72-9-501](#).

1288            [~~(23)~~] (24) "Public transit" means the same as that term is defined in Section  
1289 [17B-2a-802](#).

1290            [~~(24)~~] (25) "Public transit facility" means a fixed guideway, transit vehicle, transit  
1291 station, depot, passenger loading or unloading zone, parking lot, or other facility:

1292            (a) leased by or operated by or on behalf of a public transit district; and

1293            (b) related to the public transit services provided by the district, including:

1294            (i) railway or other right-of-way;

1295            (ii) railway line; and

1296            (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by

1297 a transit vehicle.

1298 [~~(25)~~] (26) "Right-of-way" means real property or an interest in real property, usually  
1299 in a strip, acquired for or devoted to [~~a highway~~] state transportation purposes.

1300 [~~(26)~~] (27) "Sealed" does not preclude acceptance of electronically sealed and  
1301 submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

1302 [~~(27)~~] (28) "Semitrailer" has the meaning set forth in Section 41-1a-102.

1303 [~~(28)~~] (29) "SR" means state route and has the same meaning as state highway as  
1304 defined in this section.

1305 [~~(29)~~] (30) "State highway" means those highways designated as state highways in  
1306 Title 72, Chapter 4, Designation of State Highways Act.

1307 [~~(30)~~] (31) "State transportation purposes" has the meaning set forth in Section  
1308 72-5-102.

1309 [~~(31)~~] (32) "State transportation systems" means all streets, alleys, roads, highways,  
1310 pathways, and thoroughfares of any kind, including connected structures, airports, aerial  
1311 corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of  
1312 conveyance used by the public.

1313 [~~(32)~~] (33) "Trailer" has the meaning set forth in Section 41-1a-102.

1314 [~~(33)~~] (34) "Transportation reinvestment zone" means a transportation reinvestment  
1315 zone created pursuant to Section 11-13-227.

1316 [~~(34)~~] (35) "Truck tractor" has the meaning set forth in Section 41-1a-102.

1317 [~~(35)~~] (36) "UDOT" means the Utah Department of Transportation.

1318 [~~(36)~~] (37) "Vehicle" has the same meaning set forth in Section 41-1a-102.

1319 Section 11. Section 72-1-202 is amended to read:

1320 **72-1-202. Executive director of department -- Appointment -- Qualifications --**  
1321 **Term -- Responsibility -- Power to bring suits -- Salary.**

1322 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
1323 executive director to be the chief executive officer of the department.

1324 (b) The executive director shall be a registered professional engineer and qualified  
1325 executive with technical and administrative experience and training appropriate for the  
1326 position.

1327 (c) The executive director shall remain in office until a successor is appointed.

- 1328 (d) The executive director may be removed by the governor.
- 1329 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
1330 prescribed in this chapter, the executive director shall:
- 1331 (a) have responsibility for the administrative supervision of the state transportation  
1332 systems and the various operations of the department;
- 1333 (b) have the responsibility for the implementation of rules, priorities, and policies  
1334 established by the department and the commission;
- 1335 (c) have the responsibility for the oversight and supervision of[:]  
1336 [(†)] any transportation project for which state funds are expended; [and]  
1337 [~~(ii) any fixed guideway capital development project within the boundaries of a large  
1338 public transit district for which any state funds are expended;~~]
- 1339 (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
1340 department as the executive director considers reasonable and necessary for the proper  
1341 attainment of the goals of this chapter;
- 1342 (e) receive a salary, to be established by the governor within the salary range fixed by  
1343 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
1344 traveling expenses while away from the executive director's office on official business;
- 1345 (f) purchase all equipment, services, and supplies necessary to achieve the department's  
1346 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);
- 1347 (g) have the responsibility to determine whether a purchase from, contribution to, or  
1348 other participation with a public entity or association of public entities in a pooled fund  
1349 program to acquire, develop, or share information, data, reports, or other services related to the  
1350 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
1351 Code;
- 1352 (h) have responsibility for administrative supervision of the Comptroller Division, the  
1353 Internal Audit Division, and the Communications Division; and
- 1354 (i) appoint assistants, to serve at the discretion of the executive director, to administer  
1355 the divisions of the department.
- 1356 (3) The executive director may employ other assistants and advisers as the executive  
1357 director finds necessary and fix salaries in accordance with the salary standards adopted by the  
1358 Division of Human Resource Management.

1359           ~~[(4) (a) For a fixed guideway capital development project within the boundaries of a~~  
 1360 ~~large public transit district for which state funds are expended, responsibilities of the executive~~  
 1361 ~~director include:]~~

1362           ~~[(i) project development for a fixed guideway capital development project in a large~~  
 1363 ~~public transit district;]~~

1364           ~~[(ii) oversight and coordination of planning, including:]~~

1365           ~~[(A) development of statewide strategic initiatives for planning across all modes of~~  
 1366 ~~transportation;]~~

1367           ~~[(B) coordination with metropolitan planning organizations;]~~

1368           ~~[(C) coordination with a large public transit district, including planning, project~~  
 1369 ~~development, outreach, programming, environmental studies and impact statements,~~  
 1370 ~~construction, and impacts on public transit operations; and]~~

1371           ~~[(D) corridor and area planning;]~~

1372           ~~[(iii) programming and prioritization of fixed guideway capital development projects;]~~

1373           ~~[(iv) fulfilling requirements for environmental studies and impact statements; and]~~

1374           ~~[(v) resource investment, including identification, development, and oversight of~~  
 1375 ~~public-private partnership opportunities.]~~

1376           ~~[(5) (a) Before October 31, 2022, the department shall submit to the Transportation~~  
 1377 ~~Interim Committee a written plan for the department to assume management of all fixed~~  
 1378 ~~guideway capital development projects within a large public transit district for which state~~  
 1379 ~~funds are expended.]~~

1380           ~~[(b) The department shall consult with a large public transit district and relevant~~  
 1381 ~~metropolitan planning organizations in developing the plan described in Subsection (5)(a).]~~

1382           ~~[(c) The Transportation Interim Committee shall consider the plan submitted by the~~  
 1383 ~~department as described in Subsection (5)(a) and make recommendations to the Legislature~~  
 1384 ~~before December 1, 2022.]~~

1385           Section 12. Section **72-1-203** is amended to read:

1386           **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**  
 1387 **and advisers -- Salaries.**

1388           (1) The executive director shall appoint ~~[two]~~ the following deputy directors, who shall  
 1389 serve at the discretion of the executive director[-]:

1390 (a) the deputy director of engineering and operation, who shall be a registered  
1391 professional engineer in the state, and who shall be the chief engineer of the department; and

1392 (b) the deputy director of planning and investment.

1393 ~~[(2) (a) The deputy director of engineering and operations shall be a registered~~  
1394 ~~professional engineer in the state and is the chief engineer of the department.]~~

1395 ~~[(b) The deputy director of engineering and operations shall assist the executive~~  
1396 ~~director with areas of responsibility that may include:]~~

1397 ~~[(i) project development, including statewide standards for project design and~~  
1398 ~~construction, right-of-way, materials, testing, structures, and construction;]~~

1399 ~~[(ii) oversight of the management of the region offices described in Section 72-1-205;]~~

1400 ~~[(iii) operations and traffic management;]~~

1401 ~~[(iv) oversight of operations of motor carriers and ports;]~~

1402 ~~[(v) transportation systems safety;]~~

1403 ~~[(vi) aeronautical operations; and]~~

1404 ~~[(vii) equipment for department engineering and maintenance functions.]~~

1405 ~~[(c) The deputy director of planning and investment shall assist the executive director~~  
1406 ~~with areas of responsibility that may include:]~~

1407 ~~[(i) oversight and coordination of planning, including:]~~

1408 ~~[(A) development of statewide strategic initiatives for planning across all modes of~~  
1409 ~~transportation;]~~

1410 ~~[(B) coordination with metropolitan planning organizations and local governments;~~  
1411 ~~and]~~

1412 ~~[(C) corridor and area planning;]~~

1413 ~~[(ii) asset management;]~~

1414 ~~[(iii) programming and prioritization of transportation projects;]~~

1415 ~~[(iv) fulfilling requirements for environmental studies and impact statements;]~~

1416 ~~[(v) resource investment, including identification, development, and oversight of~~  
1417 ~~public-private partnership opportunities;]~~

1418 ~~[(vi) data analytics services to the department;]~~

1419 ~~[(vii) corridor preservation;]~~

1420 ~~[(viii) employee development;]~~

- 1421 ~~[(ix) maintenance planning; and]~~  
1422 ~~[(x) oversight and facilitation of the negotiations and integration of public transit~~  
1423 ~~providers described in Section [17B-2a-827](#).]~~
- 1424 (2) As assigned by the executive director, the deputy directors described in Subsection  
1425 (1) may assist the executive director with the following departmental responsibilities:
- 1426 (a) project development, including statewide standards for project design and  
1427 construction, right-of-way, materials, testing, structures, and construction;
- 1428 (b) oversight of the management of the region offices described in Section [72-1-205](#);  
1429 (c) operations and traffic management;
- 1430 (d) oversight of operations of motor carriers and ports;  
1431 (e) transportation systems safety;
- 1432 (f) aeronautical operations;  
1433 (g) equipment for department engineering and maintenance functions;
- 1434 (h) oversight and coordination of planning, including:  
1435 (i) development of statewide strategic initiatives for planning across all modes of  
1436 transportation;
- 1437 (ii) coordination with metropolitan planning organizations and local governments;  
1438 (iii) coordination with a large public transit district, including planning, project  
1439 development, outreach, programming, environmental studies and impact statements,  
1440 construction, and impacts on public transit operations; and
- 1441 (iv) corridor and area planning;
- 1442 (i) asset management;  
1443 (j) programming and prioritization of transportation projects;
- 1444 (k) fulfilling requirements for environmental studies and impact statements;  
1445 (l) resource investment, including identification, development, and oversight of  
1446 public-private partnership opportunities;
- 1447 (m) data analytics services to the department;  
1448 (n) corridor preservation;
- 1449 (o) employee development;  
1450 (p) maintenance planning;  
1451 (q) oversight and facilitation of the negotiations and integration of public transit

1452 providers described in Section [17B-2a-827](#);

1453 (r) oversight and supervision of any fixed guideway capital development project within  
1454 the boundaries of a large public transit district for which any state funds are expended,

1455 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l); and

1456 (s) other departmental responsibilities as determined by the executive director.

1457 (3) The executive director shall ensure that the same deputy director does not oversee  
1458 or supervise both the fixed guideway capital development responsibilities described in  
1459 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the  
1460 responsibilities described in Section [72-1-214](#).

1461 Section 13. Section **72-1-213.2** is amended to read:

1462 **72-1-213.2. Road Usage Charge Program Special Revenue Fund -- Revenue.**

1463 (1) There is created [a] an expendable special revenue fund within the Transportation  
1464 Fund known as the "Road Usage Charge Program Special Revenue Fund."

1465 (2) (a) The fund shall be funded from the following sources:

1466 (i) revenue collected by the department under Section [72-1-213.1](#);

1467 (ii) appropriations made to the fund by the Legislature;

1468 (iii) contributions from other public and private sources for deposit into the fund;

1469 (iv) interest earnings on cash balances; and

1470 (v) money collected for repayments and interest on fund money.

1471 (b) If the revenue derived from the sources described in Subsection (2)(a) is

1472 insufficient to cover the costs of administering the road usage charge program, subject to

1473 Subsection [72-2-107](#)(1), the department may transfer into the fund revenue deposited into the

1474 Transportation Fund from the fee described in Subsections [41-1a-1206](#)(1)(h) and (2)(b) in an

1475 amount sufficient to enable the department to administer the road usage charge program.

1476 (3) (a) Revenue generated by the road usage charge program and relevant penalties  
1477 shall be deposited into the Road Usage Charge Program Special Revenue Fund.

1478 (b) Revenue in the Road Usage Charge Program Special Revenue Fund is nonlapsing.

1479 (4) [~~Upon appropriation by the Legislature, the~~] The department may use revenue  
1480 deposited into the Road Usage Charge Program Special Revenue Fund:

1481 (a) to cover the costs of administering the program; and

1482 (b) for [~~state transportation purposes~~] the purposes described in Subsection (5).



1483           (5) If revenue collected by the department under Section 72-1-213.1 in a fiscal year is  
1484 sufficient to cover all costs related to administering the road usage charge program in that fiscal  
1485 year, the department shall deposit any excess revenue collected by the department under  
1486 Section 72-1-213.1 from the Road Usage Charge Program Special Revenue Fund into the  
1487 Transportation Fund for appropriation and apportionment in accordance with Section 72-2-107.

1488           Section 14. Section 72-1-304 is amended to read:

1489           **72-1-304. Written project prioritization process for new transportation capacity**  
1490 **projects -- Rulemaking.**

1491           (1) (a) The Transportation Commission, in consultation with the department and the  
1492 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1493 prioritization process for the prioritization of:

1494           (i) new transportation capacity projects that are or will be part of the state highway  
1495 system under Chapter 4, Part 1, State Highways;

1496           (ii) paved pedestrian or paved nonmotorized transportation projects [~~that:~~] described in  
1497 Section 72-2-124;

1498           ~~[(A) mitigate traffic congestion on the state highway system; and]~~

1499           ~~[(B) are part of an active transportation plan approved by the department;]~~

1500           (iii) public transit projects that directly add capacity to the public transit systems within  
1501 the state, not including facilities ancillary to the public transit system; and

1502           (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
1503 public transit system.

1504           (b) (i) A local government or district may nominate a project for prioritization in  
1505 accordance with the process established by the commission in rule.

1506           (ii) If a local government or district nominates a project for prioritization by the  
1507 commission, the local government or district shall provide data and evidence to show that:

1508           (A) the project will advance the purposes and goals described in Section 72-1-211;

1509           (B) for a public transit project, the local government or district has an ongoing funding  
1510 source for operations and maintenance of the proposed development; and

1511           (C) the local government or district will provide 40% of the costs for the project as  
1512 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1513           (2) The following shall be included in the written prioritization process under

1514 Subsection (1):

1515 (a) a description of how the strategic initiatives of the department adopted under  
1516 Section 72-1-211 are advanced by the written prioritization process;

1517 (b) a definition of the type of projects to which the written prioritization process  
1518 applies;

1519 (c) specification of a weighted criteria system that is used to rank proposed projects  
1520 and how it will be used to determine which projects will be prioritized;

1521 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1522 (e) any other provisions the commission considers appropriate, which may include  
1523 consideration of:

1524 (i) regional and statewide economic development impacts, including improved local  
1525 access to:

1526 (A) employment;

1527 (B) educational facilities;

1528 (C) recreation;

1529 (D) commerce; and

1530 (E) residential areas, including moderate income housing as demonstrated in the local  
1531 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1532 (ii) the extent to which local land use plans relevant to a project support and  
1533 accomplish the strategic initiatives adopted under Section 72-1-211; and

1534 (iii) any matching funds provided by a political subdivision or public transit district in  
1535 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

1536 (3) (a) When prioritizing a public transit project that increases capacity, the  
1537 commission:

1538 (i) may give priority consideration to projects that are part of a transit-oriented  
1539 development or transit-supportive development as defined in Section 17B-2a-802; and

1540 (ii) shall give priority consideration to projects that are within the boundaries of a  
1541 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
1542 Housing and Transit Reinvestment Zone Act.

1543 (b) When prioritizing a transportation project that increases capacity, the commission  
1544 may give priority consideration to projects that are:

1545 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:  
1546 (A) the state is a participant in the transportation reinvestment zone; or  
1547 (B) the commission finds that the transportation reinvestment zone provides a benefit  
1548 to the state transportation system; or  
1549 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
1550 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.  
1551 (c) If the department receives a notice of prioritization for a municipality as described  
1552 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
1553 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority  
1554 consideration to transportation projects that are within the boundaries of the municipality or the  
1555 unincorporated areas of the county.  
1556 (4) In developing the written prioritization process, the commission:  
1557 (a) shall seek and consider public comment by holding public meetings at locations  
1558 throughout the state; and  
1559 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
1560 the state provides an equal opportunity to raise local matching dollars for state highway  
1561 improvements within each county.  
1562 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1563 Transportation Commission, in consultation with the department, shall make rules establishing  
1564 the written prioritization process under Subsection (1).  
1565 (6) The commission shall submit the proposed rules under this section to a committee  
1566 or task force designated by the Legislative Management Committee for review prior to taking  
1567 final action on the proposed rules or any proposed amendment to the rules described in  
1568 Subsection (5).  
1569 Section 15. Section 72-1-305 is amended to read:  
1570 **72-1-305. Project selection using the written prioritization process -- Public**  
1571 **comment -- Report.**  
1572 (1) Except as provided in Subsection (4), in determining priorities and funding levels  
1573 of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new  
1574 transportation capacity projects, the commission shall use the weighted criteria system adopted  
1575 in the written prioritization process under Section 72-1-304.

1576 (2) Prior to finalizing priorities and funding levels of projects in the state transportation  
1577 system, the commission shall conduct public hearings at locations around the state and accept  
1578 public comments on:

1579 (a) the written prioritization process;

1580 (b) the merits of new transportation capacity projects that will be prioritized under this  
1581 section; and

1582 (c) the merits of new transportation capacity projects as recommended by a consensus  
1583 of local elected officials participating in a metropolitan planning organization as defined in  
1584 Section [72-1-208.5](#).

1585 (3) The commission shall make the weighted criteria system ranking for each project  
1586 publicly available prior to the public hearings held under Subsection (2).

1587 (4) (a) If the commission prioritizes a project over another project with a higher rank  
1588 under the weighted criteria system, the commission shall identify the change and accept public  
1589 comment at a hearing held under this section on the merits of prioritizing the project above  
1590 higher ranked projects.

1591 (b) The commission shall make the reasons for the prioritization under Subsection  
1592 (4)(a) publicly available.

1593 (5) (a) The executive director or the executive director's designee shall report annually  
1594 to the governor and a committee designated by the Legislative Management Committee no later  
1595 than the last day of October:

1596 (i) the projects prioritized under this section during the year prior to the report; and

1597 (ii) the status and progress of all projects prioritized under this section.

1598 (b) Annually, before any funds are programmed and allocated from the Transit  
1599 Transportation Investment Fund created in Section [72-2-124](#) for each fiscal year, the executive  
1600 director or the executive director's designee, along with the executive director of a large public  
1601 transit district as described in Section [17B-2a-802](#), shall report to the governor and a committee  
1602 designated by the Legislative Management Committee no later than the last day of October:

1603 (i) the public transit projects prioritized under this section during the year prior to the  
1604 report; and

1605 (ii) the status and progress of all public transit projects prioritized under this section.

1606 (6) The department shall annually report to the Transportation Commission on the

1607 status of new capacity transportation projects, including projects that were funded by the  
1608 Legislature in an appropriations act.

1609 ~~[(6)(a) The department may not delay a new transportation capacity project that was~~  
1610 ~~funded by the Legislature in an appropriations act to a different fiscal year than programmed by~~  
1611 ~~the commission due to an unavoidable shortfall in revenues unless the project delays are~~  
1612 ~~prioritized and approved by the Transportation Commission.]~~

1613 ~~[(b) The Transportation Commission shall prioritize and approve any new~~  
1614 ~~transportation capacity project delays for projects that were funded by the Legislature in an~~  
1615 ~~appropriations act due to an unavoidable shortfall in revenues.]~~

1616 Section 16. Section **72-2-106** is amended to read:

1617 **72-2-106. Appropriation and transfers from Transportation Fund.**

1618 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the  
1619 use of the department an amount equal to two-elevenths of the taxes collected from the motor  
1620 fuel tax and the special fuel tax, exclusive of the formula amount appropriated for class B and  
1621 class C roads, to be used for highway rehabilitation.

1622 (2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall  
1623 annually transfer an amount equal to the amount of revenue generated by a tax imposed on  
1624 motor and special fuel that is sold, used, or received for sale or used in this state at a rate of 1.8  
1625 cents per gallon to the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

1626 (3) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall  
1627 annually transfer to the Transportation Investment Fund of 2005 created by Section [72-2-124](#)  
1628 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1629 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1630 or use in this state that exceeds 29.4 cents per gallon.

1631 (4) For purposes of the calculation described in Subsection [59-12-103\(7\)\(c\)](#), the  
1632 Division of Finance shall notify the State Tax Commission of the amount of any transfer made  
1633 under Subsections (2) and (3).

1634 Section 17. Section **72-2-107** is amended to read:

1635 **72-2-107. Appropriation from Transportation Fund -- Apportionment for class B**  
1636 **and class C roads.**

1637 (1) There is appropriated to the department from the Transportation Fund annually an

1638 amount equal to 30% of an amount which the director of finance shall compute in the  
1639 following manner: The total revenue deposited into the Transportation Fund during the fiscal  
1640 year from state highway-user taxes and fees, minus those amounts appropriated or transferred  
1641 from the Transportation Fund during the same fiscal year to:

- 1642 (a) the Department of Public Safety;
- 1643 (b) the State Tax Commission;
- 1644 (c) the Division of Finance;
- 1645 (d) the Utah Travel Council;
- 1646 (e) except as provided in Section 72-1-213.2, the road usage charge program created in  
1647 Section 72-1-213.1; and
- 1648 (f) any other amounts appropriated or transferred for any other state agencies not a part  
1649 of the department.

1650 (2) (a) Except as provided in Subsections (2)(b) and (c), all of the money appropriated  
1651 in Subsection (1) shall be apportioned among counties and municipalities for class B and class  
1652 C roads as provided in this title.

1653 (b) The department shall annually transfer \$500,000 of the amount calculated under  
1654 Subsection (1) to the State Park Access Highways Improvement Program created in Section  
1655 72-3-207.

1656 (c) Administrative costs of the department to administer class B and class C roads shall  
1657 be paid from funds calculated under Subsection (1).

1658 (3) Each quarter of every year the department shall make the necessary accounting  
1659 entries to transfer the money appropriated under this section for class B and class C roads.

1660 (4) The funds appropriated for class B and class C roads shall be expended under the  
1661 direction of the department as the Legislature shall provide.

1662 Section 18. Section **72-2-123** is amended to read:

1663 **72-2-123. Rules adopting guidelines -- Partnering to finance state highway**  
1664 **capacity improvements -- Partnering proposals.**

1665 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1666 commission, in consultation with representatives of local government, shall make rules  
1667 adopting guidelines for partnering with counties and municipalities for their help to finance  
1668 state highway improvement projects through:

- 1669 (a) local matching dollars; [~~or~~]  
1670 (b) agreements regarding new revenue a county or municipality expects will be  
1671 generated as a result of the construction of a state highway improvement project; or  
1672 [~~(b)~~] (c) other local participation methods.
- 1673 (2) The guidelines described in Subsection (1) shall encourage partnering to help  
1674 finance state highway improvement projects and provide for:
- 1675 (a) the consideration of factors relevant to a decision to make a program adjustment  
1676 including the potential to:
- 1677 (i) extend department resources to other needed projects;  
1678 (ii) alleviate significant existing or future congestion or hazards to the traveling public;  
1679 and
- 1680 (iii) address a need that is widely recognized by the public, elected officials, and  
1681 transportation planners;
- 1682 (b) a process for submitting, evaluating, and hearing partnering proposals; and  
1683 (c) [~~keeping~~] the creation of a public record of each proposal from initial submission to  
1684 final disposition.
- 1685 (3) The commission shall submit the proposed rules under this section to a committee  
1686 or task force designated by the Legislative Management Committee for review prior to taking  
1687 final action on the proposed rules or any proposed amendment to the rules.
- 1688 Section 19. Section **72-2-124** is amended to read:
- 1689 **72-2-124. Transportation Investment Fund of 2005.**
- 1690 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1691 of 2005.
- 1692 (2) The fund consists of money generated from the following sources:
- 1693 (a) any voluntary contributions received for the maintenance, construction,  
1694 reconstruction, or renovation of state and federal highways;
- 1695 (b) appropriations made to the fund by the Legislature;
- 1696 (c) registration fees designated under Section [41-1a-1201](#);
- 1697 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1698 [59-12-103](#); and
- 1699 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

- 1700 (3) (a) The fund shall earn interest.
- 1701 (b) All interest earned on fund money shall be deposited into the fund.
- 1702 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 1703 fund money to pay:
- 1704 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
- 1705 federal highways prioritized by the Transportation Commission through the prioritization
- 1706 process for new transportation capacity projects adopted under Section 72-1-304;
- 1707 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
- 1708 projects described in Subsections 63B-18-401(2), (3), and (4);
- 1709 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
- 1710 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
- 1711 with Subsection 72-2-121(4)(e);
- 1712 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
- 1713 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
- 1714 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
- 1715 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 1716 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
- 1717 for projects prioritized in accordance with Section 72-2-125;
- 1718 (vi) all highway general obligation bonds that are intended to be paid from revenues in
- 1719 the Centennial Highway Fund created by Section 72-2-118;
- 1720 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
- 1721 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
- 1722 in Section 72-2-121;
- 1723 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
- 1724 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
- 1725 nonmotorized transportation for projects that:
- 1726 (A) mitigate traffic congestion on the state highway system;
- 1727 (B) are part of an active transportation plan approved by the department; and
- 1728 (C) are prioritized by the commission through the prioritization process for new
- 1729 transportation capacity projects adopted under Section 72-1-304;
- 1730 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,



- 1731 reconstruction, or renovation of or improvement to the following projects:
- 1732 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
- 1733 (B) Geneva Road from University Parkway to 1800 South;
- 1734 (C) the SR-97 interchange at 5600 South on I-15;
- 1735 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 1736 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1737 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1738 (G) widening I-15 between mileposts 6 and 8;
- 1739 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1740 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 1741 Spanish Fork Canyon;
- 1742 (J) I-15 northbound between mileposts 43 and 56;
- 1743 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 1744 and 45.1;
- 1745 (L) east Zion SR-9 improvements;
- 1746 (M) Toquerville Parkway;
- 1747 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1748 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 1749 construction of an interchange on Bangerter Highway at 13400 South; and
- 1750 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1751 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 1752 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 1753 provides to the department demonstrating the need for money for the project, for the following
- 1754 projects in the following amounts:
- 1755 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1756 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1757 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1758 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
- 1759 between mile markers 7 and 10.
- 1760 (b) The executive director may use fund money to exchange for an equal or greater
- 1761 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1762 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of  
1763 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director  
1764 may not program fund money to a project prioritized by the commission under Section  
1765 72-1-304, including fund money from the Transit Transportation Investment Fund, within the  
1766 boundaries of the municipality during the fiscal year specified in the notice.

1767 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
1768 executive director:

1769 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1770 facility or interchange connecting limited-access facilities;

1771 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1772 an interchange on a limited-access facility;

1773 (iii) may program Transit Transportation Investment Fund money for a  
1774 multi-community fixed guideway public transportation project; and

1775 (iv) may not program Transit Transportation Investment Fund money for the  
1776 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1777 transportation project.

1778 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
1779 director before July 1, 2022, for projects prioritized by the commission under Section  
1780 72-1-304.

1781 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
1782 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
1783 not program fund money to a project prioritized by the commission under Section 72-1-304,  
1784 including fund money from the Transit Transportation Investment Fund, within the boundaries  
1785 of the unincorporated area of the county during the fiscal year specified in the notice.

1786 (b) Within the boundaries of the unincorporated area of a county described in  
1787 Subsection (6)(a), the executive director:

1788 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1789 facility to a project prioritized by the commission under Section 72-1-304;

1790 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1791 an interchange on a limited-access facility;

1792 (iii) may program Transit Transportation Investment Fund money for a

1793 multi-community fixed guideway public transportation project; and

1794 (iv) may not program Transit Transportation Investment Fund money for the  
1795 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1796 transportation project.

1797 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
1798 director before July 1, 2022, for projects prioritized by the commission under Section  
1799 [72-1-304](#).

1800 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued  
1801 in any fiscal year, the department and the commission shall appear before the Executive  
1802 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1803 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),  
1804 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

1805 (b) The Executive Appropriations Committee of the Legislature shall review and  
1806 comment on the amount of bond proceeds needed to fund the projects.

1807 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
1808 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
1809 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or  
1810 sinking fund.

1811 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1812 Transportation Investment Fund.

1813 (b) The fund shall be funded by:

1814 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

1815 (ii) appropriations into the account by the Legislature;

1816 (iii) deposits of sales and use tax increment related to a housing and transit  
1817 reinvestment zone as described in Section [63N-3-610](#);

1818 (iv) private contributions; and

1819 (v) donations or grants from public or private entities.

1820 (c) (i) The fund shall earn interest.

1821 (ii) All interest earned on fund money shall be deposited into the fund.

1822 (d) Subject to Subsection (9)(e), the [~~Legislature may appropriate~~] commission may  
1823 prioritize money from the fund:

1824 (i) for public transit capital development of new capacity projects and fixed guideway  
1825 capital development projects to be used as prioritized by the commission through the  
1826 prioritization process adopted under Section 72-1-304; or

1827 [~~(ii) for development of the oversight plan described in Section 72-1-202(5); or~~]  
1828 [(iii)] (ii) to the department for oversight of a fixed guideway capital development  
1829 project for which the department has responsibility.

1830 (e) (i) The [~~Legislature~~] commission may only [~~appropriate~~] prioritize money from the  
1831 fund for a public transit capital development project or pedestrian or nonmotorized  
1832 transportation project that provides connection to the public transit system if the public transit  
1833 district or political subdivision provides funds of equal to or greater than 40% of the costs  
1834 needed for the project.

1835 (ii) A public transit district or political subdivision may use money derived from a loan  
1836 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
1837 part of the 40% requirement described in Subsection (9)(e)(i) if:

1838 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1839 State Infrastructure Bank Fund; and

1840 (B) the proposed capital project has been prioritized by the commission pursuant to  
1841 Section 72-1-303.

1842 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
1843 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15  
1844 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and  
1845 trainsets for regional public transit rail systems.

1846 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
1847 Cottonwood Canyons Transportation Investment Fund.

1848 (b) The fund shall be funded by:

1849 (i) money deposited into the fund in accordance with Section 59-12-103;

1850 (ii) appropriations into the account by the Legislature;

1851 (iii) private contributions; and

1852 (iv) donations or grants from public or private entities.

1853 (c) (i) The fund shall earn interest.

1854 (ii) All interest earned on fund money shall be deposited into the fund.

- 1855 (d) The Legislature may appropriate money from the fund for public transit or  
 1856 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 1857 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active  
 1858 Transportation Investment Fund.
- 1859 (b) The fund shall be funded by:
- 1860 (i) money deposited into the fund in accordance with Section 59-12-103;  
 1861 (ii) appropriations into the account by the Legislature; and  
 1862 (iii) donations or grants from public or private entities.
- 1863 (c) (i) The fund shall earn interest.  
 1864 (ii) All interest earned on fund money shall be deposited into the fund.
- 1865 (d) The executive director may only use fund money to pay the costs needed for:
- 1866 (i) the planning, design, construction, maintenance, reconstruction, or renovation of  
 1867 paved pedestrian or paved nonmotorized trail projects that:
- 1868 (A) are prioritized by the commission through the prioritization process for new  
 1869 transportation capacity projects adopted under Section 72-1-304;
- 1870 (B) serve a regional purpose; and
- 1871 (C) are part of an active transportation plan approved by the department or the plan  
 1872 described in Subsection (11)(d)(ii);
- 1873 (ii) the development of a plan for a statewide network of paved pedestrian or paved  
 1874 nonmotorized trails that serve a regional purpose; and
- 1875 (iii) the administration of the fund, including staff and overhead costs.
- 1876 Section 20. Section **72-2-202** is amended to read:
- 1877 **72-2-202. State Infrastructure Bank Fund -- Creation -- Use of money.**
- 1878 (1) There is created a revolving loan fund entitled the State Infrastructure Bank Fund.
- 1879 (2) (a) The fund consists of money generated from the following revenue sources:
- 1880 (i) appropriations made to the fund by the Legislature;
- 1881 (ii) federal money and grants that are deposited [in] into the fund;
- 1882 (iii) money transferred to the fund by the commission from other money available to  
 1883 the department;
- 1884 (iv) state grants that are deposited [in] into the fund;
- 1885 (v) contributions or grants from any other private or public sources for deposit into the

1886 fund; and

1887 (vi) subject to Subsection (2)(b), all money collected from repayments of fund money

1888 used for infrastructure loans or infrastructure assistance.

1889 (b) When a loan from the fund is repaid, the department may request and the

1890 Legislature may transfer from the fund to the source from which the money originated an

1891 amount equal to the repaid loan.

1892 (3) (a) The fund shall earn interest.

1893 (b) All interest earned on fund money shall be deposited into the fund.

1894 (4) Money in the fund shall be used by the department, as prioritized by the

1895 commission, only to:

1896 (a) provide infrastructure loans or infrastructure assistance; and

1897 (b) pay the department for the costs of administering the fund, providing infrastructure

1898 loans or infrastructure assistance, monitoring transportation projects and publicly owned

1899 infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure

1900 assistance.

1901 (5) (a) The department may establish separate accounts in the fund for infrastructure

1902 loans, infrastructure assistance, administrative and operating expenses, or any other purpose to

1903 implement this part.

1904 (b) The department shall establish a separate account in the fund for projects that

1905 support infrastructure development in greenfield or other previously undeveloped or

1906 underdeveloped areas.

1907 ~~(b)~~ (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

1908 Act, the department may make rules governing:

1909 (i) how the fund and its accounts may be held by an escrow agent[-]; and

1910 (ii) pertaining to Subsection (5)(b), criteria for ranking projects for eligibility for a

1911 loan, including:

1912 (A) the ability to develop the land absent a loan from the fund;

1913 (B) projects that provide the greatest impact; and

1914 (C) return on investment.

1915 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter

1916 7, State Money Management Act, and the earnings from the investments shall be credited to the

1917 fund.

1918 (7) Before July 1, 2022, the department shall transfer the loan described in Subsection  
1919 [63B-27-101](#)(3)(a)(i) from the State Infrastructure Bank Fund to the military development  
1920 infrastructure revolving loan fund created in Section [63A-3-402](#).

1921 Section 21. Section **72-5-102** is amended to read:

1922 **72-5-102. Definitions.**

1923 As used in this part, "state transportation purposes" includes:

1924 (1) highway, public transit facility, and transportation rights-of-way, including those  
1925 necessary within cities and towns;

1926 (2) the construction, reconstruction, relocation, improvement, maintenance, and  
1927 mitigation from the effects of these activities on state highways and other transportation  
1928 facilities, including parking facilities, under the control of the department;

1929 (3) limited access facilities, including rights of access, air, light, and view and frontage  
1930 and service roads to highways;

1931 (4) adequate drainage in connection with any highway, cut, fill, or channel change and  
1932 the maintenance of any highway, cut, fill, or channel change;

1933 (5) weighing stations, shops, offices, storage buildings and yards, and road  
1934 maintenance or construction sites;

1935 (6) road material sites, sites for the manufacture of road materials, and access roads to  
1936 the sites;

1937 (7) the maintenance of an unobstructed view of any portion of a highway to promote  
1938 the safety of the traveling public;

1939 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,  
1940 barriers, and obstructions for the convenience of the traveling public;

1941 (9) the construction and maintenance of storm sewers, sidewalks, and highway  
1942 illumination;

1943 (10) the construction and maintenance of livestock highways;

1944 (11) the construction and maintenance of roadside rest areas adjacent to or near any  
1945 highway; and

1946 (12) the mitigation of impacts from transportation projects.

1947 Section 22. Section **72-5-114** is amended to read:

1948 **72-5-114. Property acquired in advance of construction -- Lease or rental.**

1949 (1) (a) The department may acquire real property or interests or improvements in real  
 1950 property in advance of the actual construction, reconstruction, or improvement of highways or  
 1951 public transit facilities in order to save on acquisition costs or avoid the payment of excessive  
 1952 damages.

1953 (b) The real property or interests or improvements in real property may be leased or  
 1954 rented by the department in a manner, for a period of time, and for a sum determined by the  
 1955 department to be in the best interest of the state.

1956 (2) (a) The department may employ private agencies to manage rental properties when  
 1957 it is more economical and in the best interests of the state.

1958 (b) All money received for leases and rentals, after deducting any portion to which the  
 1959 federal government may be entitled, shall be deposited with the state treasurer and credited to  
 1960 the Transportation Fund.

1961 Section 23. Section **72-6-112.5** is amended to read:

1962 **72-6-112.5. Definitions -- Nighttime highway construction noise -- Exemptions --**  
 1963 **Permits.**

1964 (1) As used in this section:

1965 (a) "Commuter rail" means the same as that term is defined in Section [63N-3-602](#).

1966 ~~[(a)]~~ (b) (i) "Front row receptor" means a noise-sensitive residential receptor that is:

1967 (A) immediately adjacent to a transportation facility; or

1968 (B) within 800 feet of a transportation facility that is within a commercial or  
 1969 industrialized area.

1970 (ii) "Front row receptor" includes a residence that is contiguous to a property  
 1971 immediately adjacent to a transportation facility in a residential area.

1972 ~~[(b)]~~ (c) "Nighttime ~~[highway]~~ construction" means highway or public transit facility  
 1973 construction occurring between the hours of 10:00 p.m. and 7:00 a.m.

1974 ~~[(c)]~~ (d) "Nuisance" means the same as that term is defined in Section [78B-6-1101](#).

1975 ~~[(d)]~~ (e) (i) "Permitted activities" means activities occurring between the hours of 7:00  
 1976 p.m. and 7:00 a.m. that are related to and necessary for nighttime ~~[highway]~~ construction,  
 1977 whether occurring at the construction site or at a gravel pit or other site for production of raw  
 1978 materials, and includes:



- 1979 (A) loading and unloading of trucks;
- 1980 (B) asphalt mixing and hauling; and
- 1981 (C) concrete mixing and hauling.
- 1982 (ii) "Permitted activities" does not include:
- 1983 (A) blasting; or
- 1984 (B) crushing.
- 1985 ~~[(2) A state highway construction project conducted on a road where the normal posted~~
- 1986 ~~speed limit is 55 miles per hour or greater is exempt from any noise ordinance, regulation, or~~
- 1987 ~~standard of a local jurisdictional authority.]~~
- 1988 (2) The following projects are exempt from any noise ordinance, regulation, or
- 1989 standard of a local jurisdictional authority:
- 1990 (a) a state highway construction project conducted on a road where the normal posted
- 1991 speed limit is 55 miles per hour or greater; or
- 1992 (b) a commuter rail construction project.
- 1993 (3) ~~[A state highway construction project conducted on a road where the normal posted~~
- 1994 ~~speed limit is less than 55 miles per hour is]~~ Except for a project described in Subsection (2), a
- 1995 state highway or a public transit facility construction project is exempt from any noise
- 1996 ordinance, regulation, or standard of a local jurisdictional authority if the department:
- 1997 (a) provides reasonable written notice at least 48 hours in advance of any required
- 1998 nighttime ~~[highway]~~ construction to each residential dwelling located within front row
- 1999 receptors of the activity;
- 2000 (b) determines a net community, including traveler community, benefit exists to
- 2001 conduct nighttime highway construction after considering the following:
- 2002 (i) public health;
- 2003 (ii) project completion time;
- 2004 (iii) air quality;
- 2005 (iv) traffic;
- 2006 (v) economics;
- 2007 (vi) safety; and
- 2008 (vii) local jurisdiction concerns; and
- 2009 (c) institutes best management noise reduction practices, as determined by the

2010 department, for front row receptors, in consultation with local government or the local  
2011 jurisdictional authority for all nighttime [highway] construction, which may include:

- 2012 (i) equipment maintenance;
- 2013 (ii) noise shielding;
- 2014 (iii) scheduling the most noise intrusive activities during the day; and
- 2015 (iv) other noise mitigation methods.

2016 (4) (a) Subject to Subsection (2) or (3), a state highway project or public transit facility  
2017 construction shall secure required noise permits from the local jurisdictional authority to  
2018 conduct nighttime [highway] construction.

2019 (b) To the extent practical, the department shall coordinate with the local jurisdictional  
2020 authority during the pre-construction phase of a project to address noise exemption conditions.

2021 (5) A local jurisdictional authority shall issue a nighttime [highway] construction  
2022 permit limited to permitted activities if:

2023 (a) the applicant provides evidence that the permitted activities are directly related to  
2024 and necessary for a nighttime [highway] construction project for which the department has  
2025 obtained a noise permit from a local jurisdictional authority pursuant to Subsection (4); and

2026 (b) the local jurisdictional authority determines that any nuisance that may be caused  
2027 by the nighttime [highway] construction may be reasonably mitigated.

2028 (6) A local jurisdictional authority shall issue a nighttime [highway] construction noise  
2029 permit without additional requirements to the department at the request of the department or  
2030 the department's designated project agent if the requirements of [~~Subsections (2) and~~]  
2031 Subsection (2) or (3) are met.

2032 (7) (a) A local jurisdictional authority may request adjustments to a nighttime [highway  
2033 ]construction permit to mitigate unreasonable noise disturbances caused by nighttime [highway  
2034 ]construction or permitted activities.

2035 (b) If adjustments are requested as described in Subsection (7)(a), the nighttime  
2036 [highway] construction permit holder shall use best management noise reduction practices to  
2037 mitigate unreasonable noise disturbances.

2038 (8) (a) For the exemption provided in Subsection (3) and in accordance with Title 63G,  
2039 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing  
2040 procedures:

2041 (i) for a local jurisdictional authority or local government to appeal the decision of the  
2042 department to conduct nighttime [highway] construction [~~on roads where the normal posted~~  
2043 ~~speed limit is less than 55 miles per hour~~]; and

2044 (ii) for the local jurisdictional authority to request that the department enforce the terms  
2045 of a noise permit.

2046 (b) After review and upon receiving a written notice from a local jurisdictional  
2047 authority that the conditions for the noise exemption permit are not met, the department shall  
2048 take corrective action to ensure nighttime [highway] construction activities meet requirements  
2049 of the local permit.

2050 Section 24. Section **72-16-102** is amended to read:

2051 **72-16-102. Definitions.**

2052 As used in this chapter:

2053 (1) "Account" means the Amusement Ride Safety Restricted Account created in  
2054 Section [72-16-204](#).

2055 (2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where  
2056 one or more amusement rides are available for use by the general public.

2057 (b) "Amusement park" does not include a traveling show, carnival, or public  
2058 fairground.

2059 (3) (a) "Amusement ride" means a device or combination of devices or elements that  
2060 carries or conveys one or more riders along, around, or over a fixed or restricted route or course  
2061 or allows the riders to steer or guide the device within an established area for the purpose of  
2062 giving the riders amusement, pleasure, thrills, or excitement.

2063 (b) "Amusement ride" does not include:

2064 (i) a coin-operated ride that:

2065 (A) is manually, mechanically, or electrically operated;

2066 (B) is customarily placed in a public location; and

2067 (C) does not normally require the supervision or services of an operator;

2068 (ii) nonmechanized playground equipment, including a swing, seesaw, stationary  
2069 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,  
2070 trampoline, or physical fitness device;

2071 (iii) an inflatable device;

- 2072 (iv) a water-based recreational attraction where complete or partial immersion is  
2073 intended, including a water slide, wave pool, or water park;
- 2074 (v) a challenge, exercise, or obstacle course;
- 2075 (vi) a passenger ropeway as defined in Section [72-11-102](#);
- 2076 (vii) a device or attraction that involves one or more live animals;
- 2077 (viii) a tractor ride or wagon ride; [or]
- 2078 (ix) motion seats in a movie theater for which the manufacturer does not require a  
2079 restraint[-]; or
- 2080 (x) a zip line.
- 2081 (4) "Committee" means the Utah Amusement Ride Safety Committee created in  
2082 Section [72-16-201](#).
- 2083 (5) "Director" means the director of the committee, hired under Section [72-16-202](#).
- 2084 (6) "Mobile amusement ride" means an amusement ride that is:
- 2085 (a) designed or adapted to be moved from one location to another;
- 2086 (b) not fixed at a single location; and
- 2087 (c) relocated at least once each calendar year.
- 2088 (7) "Operator" means the individual who controls the starting, stopping, or speed of an  
2089 amusement ride.
- 2090 (8) "Owner-operator" means the person who has control over and responsibility for the  
2091 maintenance, setup, and operation of an amusement ride.
- 2092 (9) "Permanent amusement ride" means an amusement ride that is not a mobile  
2093 amusement ride.
- 2094 (10) "Qualified safety inspector" means an individual who holds a valid qualified  
2095 safety inspector certification.
- 2096 (11) "Qualified safety inspector certification" means a certification issued by the  
2097 director under Section [72-16-303](#).
- 2098 (12) "Reportable serious injury" means an injury to a rider that:
- 2099 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 2100 (b) results in death, dismemberment, permanent disfigurement, permanent loss of the  
2101 use of a body organ, member, function, or system, or a compound fracture.
- 2102 (13) "Safety inspection certification" means a written document that:

- 2103 (a) is signed by a qualified safety inspector certifying that:
- 2104 (i) the qualified safety inspector performed an in-person inspection of an amusement
- 2105 ride to check compliance with the safety standards described in Section 72-16-304 and
- 2106 established by rule; and
- 2107 (ii) at the time the qualified safety inspector performed the in-person inspection, the
- 2108 amusement ride:
- 2109 (A) was set up for use by the general public; and
- 2110 (B) satisfied the safety standards described in Section 72-16-304 and established by
- 2111 rule; and
- 2112 (b) includes the date on which the qualified safety inspector performed the in-person
- 2113 inspection.

- 2114 (14) "Serious injury" means an injury to a rider that:
- 2115 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 2116 (b) requires immediate admission to a hospital and overnight hospitalization and
- 2117 observation by a licensed physician.

2118 Section 25. **Effective date.**

- 2119 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.
- 2120 (2) If approved by two-thirds of all the members elected to each house, the amendments
- 2121 to Section 72-16-102 in this bill take effect upon approval by the governor, or the day
- 2122 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the
- 2123 governor's signature, or in the case of a veto, the date of veto override.