

**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;



- 26 ▶ amends preemption provisions related to permitting of vertiports; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 This bill provides a coordination clause.

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35 [17B-2a-806](#), as last amended by Laws of Utah 2022, Chapter 69
- 36 [41-1a-226](#), as last amended by Laws of Utah 2022, Chapter 259
- 37 [41-1a-401](#), as last amended by Laws of Utah 2022, Chapter 259
- 38 [41-1a-422](#), as last amended by Laws of Utah 2022, Chapters 19, 48, 68, 255, 259, 335,
- 39 451, and 456
- 40 [41-1a-1206](#), as last amended by Laws of Utah 2022, Chapters 56, 259
- 41 [41-6a-1642](#), as last amended by Laws of Utah 2022, Chapters 160, 259
- 42 [41-21-1](#), as last amended by Laws of Utah 2022, Chapter 259
- 43 [59-12-103](#), as last amended by Laws of Utah 2022, Chapters 77, 106 and 433
- 44 [59-12-2220](#), as last amended by Laws of Utah 2022, Chapter 259
- 45 [72-1-102](#), as last amended by Laws of Utah 2022, Chapter 69
- 46 [72-1-202](#), as last amended by Laws of Utah 2022, Chapter 69
- 47 [72-1-203](#), as last amended by Laws of Utah 2019, Chapter 479
- 48 [72-1-213.2](#), as last amended by Laws of Utah 2022, Chapter 259
- 49 [72-1-304](#), as last amended by Laws of Utah 2022, Chapter 406
- 50 [72-1-305](#), as last amended by Laws of Utah 2018, Chapter 424
- 51 [72-2-106](#), as last amended by Laws of Utah 2017, Chapters 144, 234
- 52 [72-2-107](#), as last amended by Laws of Utah 2020, Chapter 377
- 53 [72-2-123](#), as last amended by Laws of Utah 2008, Chapter 382
- 54 [72-2-124](#), as last amended by Laws of Utah 2022, Chapters 69, 259 and 406
- 55 [72-2-202](#), as last amended by Laws of Utah 2022, Chapter 463
- 56 [72-5-102](#), as last amended by Laws of Utah 2021, Chapter 222

57 72-5-114, as renumbered and amended by Laws of Utah 1998, Chapter 270

58 72-6-112.5, as last amended by Laws of Utah 2019, Chapter 43

59 72-14-103, as last amended by Laws of Utah 2022, Chapter 99

60 72-16-102, as last amended by Laws of Utah 2020, Chapter 423

61 **Utah Code Sections Affected by Coordination Clause:**

62 72-10-701, Utah Code Annotated 1953



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

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

66 **17B-2a-806. Authority of the state or an agency of the state with respect to a**  
67 **public transit district -- Counties and municipalities authorized to provide funds to**  
68 **public transit district -- Equitable allocation of resources within the public transit**  
69 **district.**

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

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

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

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

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

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

82 (3) (a) To allocate resources and funds for development and operation of a public  
83 transit district, whether received under this section or from other sources, and subject to  
84 Section 72-1-202 pertaining to fixed guideway capital development within a large public transit  
85 district, a public transit district may:

86 (i) give priority to public transit services that feed rail fixed guideway services; and

87 (ii) allocate funds according to population distribution within the public transit district.

88 (b) The comptroller of a public transit district shall report the criteria and data  
89 supporting the allocation of resources and funds in the statement required in Section  
90 17B-2a-812.

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

92 **41-1a-226. Vintage vehicle -- Signed statement -- Registration.**

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

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

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

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

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

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

106 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of**  
107 **registration in lieu of or used with plates.**

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

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

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

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

123 (A) the previous registered owner has included the license plate as part of the sale,  
124 trade, or ownership release; and

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

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

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

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

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

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

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

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

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

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

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

154 (4) (a) The commission may issue, adopt, and require the use of indicia of registration  
155 it considers advisable in lieu of or in conjunction with license plates as provided in this part.

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

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

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

160 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**  
161 **contribution collection procedures.**

162 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

181 (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to  
182 assist people who have severe housing needs;

183 (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118  
184 to support the families of fallen Utah Highway Patrol troopers and other Department of Public  
185 Safety employees;

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

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

190 (O) the Share the Road Bicycle Support Restricted Account created in Section  
191 72-2-127 to support bicycle operation and safety awareness programs;

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

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

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

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

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

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

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

208 (W) the Children with Cancer Support Restricted Account created in Section  
209 26-21a-304 for programs that provide assistance to children with cancer;

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

212 (Y) the Children with Heart Disease Support Restricted Account created in Section  
213 [26-58-102](#);

214 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education  
215 and Leadership Restricted Account created in Section [4-42-102](#);

216 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting  
217 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and  
218 operation and maintenance of existing, state-owned firearm shooting ranges;

219 (BB) the Utah State Historical Society to further the mission and purpose of the Utah  
220 State Historical Society;

221 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section  
222 [72-2-130](#);

223 (DD) clean air support causes, with half of the donation deposited into the Clean Air  
224 Support Restricted Account created in Section [19-1-109](#), and half of the donation deposited  
225 into the Clean Air Fund created in Section [59-10-1319](#);

226 (EE) the Latino Community Support Restricted Account created in Section [13-1-16](#);

227 (FF) the Allyson Gamble Organ Donation Contribution Fund created in Section  
228 [26-18b-101](#);

229 (GG) public education on behalf of the Kiwanis International clubs, with the amount of  
230 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support  
231 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis  
232 Education Support Fund created in Section [53F-9-403](#), and all remaining donation amounts  
233 deposited into the Uniform School Fund;

234 (HH) the Governor's Suicide Prevention Fund created in Section [62A-15-1103](#) to  
235 support the Live On suicide prevention campaign administered by the Division of Integrated  
236 Healthcare; or

237 (II) the State Park Fees Restricted Account created in Section [79-4-402](#) to support the  
238 Division of State Parks' dark sky initiative.

239 (ii) (A) For a veterans special group license plate described in Subsection (4) or  
240 [41-1a-421\(1\)\(a\)\(v\)](#), "contributor" means a person who has donated or in whose name at least a  
241 \$25 donation at the time of application and \$10 annual donation thereafter has been made.

242 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a



243 person who:

244 (I) has donated or in whose name at least \$30 has been donated at the time of  
245 application and annually after the time of application; and

246 (II) is a member of a trade organization for real estate licensees that has more than  
247 15,000 Utah members.

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

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

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

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

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

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

262 (b) "Institution" means a state institution of higher education as defined under Section  
263 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or  
264 national accrediting agency recognized by the United States Department of Education.

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

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

271 (i) the name of the contributor;

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

273 (iii) the date of the donation; and

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

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

277 (d) After an applicant has been issued collegiate license plates or renewal decals, the  
278 commission shall charge the institution whose plate was issued, a fee determined in accordance  
279 with Section 63J-1-504 for management and administrative expenses incurred in issuing and  
280 renewing the collegiate license plates.

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

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

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

289 (b) This contribution shall be:

290 (i) unless collected by the named institution under Subsection (2), collected by the  
291 division;

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

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

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

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

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

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

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

305 (i) snowmobile license plates; or

306 (ii) conservation license plates.

307 (4) Veterans license plates shall display one of the symbols representing the Army,

308 Navy, Air Force, Marines, Coast Guard, or American Legion.

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

310 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

311 (1) Except as provided in Subsections (2) and (3), at the time application is made for

312 registration or renewal of registration of a vehicle or combination of vehicles under this

313 chapter, a registration fee shall be paid to the division as follows:

314 (a) \$46.00 for each motorcycle;

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

316 motorcycles;

317 (c) unless the semitrailer or trailer is exempt from registration under Section [41-1a-202](#)

318 or is registered under Section [41-1a-301](#):

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

320 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less

321 gross unladen weight;

322 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds

323 gross laden weight; plus

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

325 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm

326 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

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

328 (f) (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not

329 exceeding 14,000 pounds gross laden weight; plus

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

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

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

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

334 (A) each electric motor vehicle; and

335 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled

336 exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;

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

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

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

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

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

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

347 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal  
348 of registration of a vehicle under this chapter for a six-month registration period under Section  
349 [41-1a-215.5](#) a registration fee shall be paid to the division as follows:

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

351 (A) each electric motor vehicle; and

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

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

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

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

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

362 (B) 0.

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

366 (A) an amount calculated by multiplying the registration fee of the previous year by the

367 actual percentage change during the previous fiscal year in the Consumer Price Index; and

368 (B) 0.

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

371 (4) (a) The initial registration fee for a vintage vehicle that has a model year of [~~1980~~  
372 1982 or older is \$40.

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

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

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

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

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

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

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

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

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

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

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

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

397 (10) Trucks used exclusively to pump cement, bore wells, or perform crane services

398 with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees  
399 required for those vehicles under this section.

400 Section 6. Section **41-6a-1642** is amended to read:

401 **41-6a-1642. Emissions inspection -- County program.**

402 (1) The legislative body of each county required under federal law to utilize a motor  
403 vehicle emissions inspection and maintenance program or in which an emissions inspection  
404 and maintenance program is necessary to attain or maintain any national ambient air quality  
405 standard shall require:

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

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

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

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

416 (i) the federal government;

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

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

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

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

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

427 (ii) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and  
428 2014;

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

460 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

461 (c) The county legislative body and the Air Quality Board shall give preference to an  
462 inspection and maintenance program that:

463 (i) is decentralized, to the extent the decentralized program will attain and maintain  
464 ambient air quality standards and meet federal requirements;

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

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

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

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

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

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

476 (a) an implement of husbandry as defined in Section [41-1a-102](#);

477 (b) a motor vehicle that:

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

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

480 (c) a vintage vehicle as defined in Section [41-21-1](#):

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

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

484 (d) a custom vehicle as defined in Section [41-6a-1507](#);

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

489 (f) a pickup truck, as defined in Section [41-1a-102](#), with a gross vehicle weight rating  
490 of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed



491 statement to the legislative body stating the truck is used:

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

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

495 (A) for the transportation of farm products, including livestock and its products,  
496 poultry and its products, floricultural and horticultural products; and

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

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

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

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

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

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

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

509 (b) model year of 1997 or older.

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

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

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

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

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

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

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

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

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

520 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under  
521 federal law to utilize a motor vehicle emissions inspection and maintenance program or in

522 which an emissions inspection and maintenance program is necessary to attain or maintain any  
523 national ambient air quality standard may require each college or university located in a county  
524 subject to this section to require its students and employees who park a motor vehicle not  
525 registered in a county subject to this section to provide proof of compliance with an emissions  
526 inspection accepted by the county legislative body if the motor vehicle is parked on the college  
527 or university campus or property.

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

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

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

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

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

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

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

551 (iv) If a county legislative body establishes or changes the frequency of a vehicle  
552 emissions inspection and maintenance program under Subsection (9)(c)(iii), the establishment

553 or change shall take effect on January 1 if the State Tax Commission receives notice meeting  
554 the requirements of Subsection (9)(c)(v) from the county before October 1.

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

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

558 (B) include a copy of the ordinance establishing or changing the frequency; and

559 (C) if the county establishes or changes the frequency under this section, state how  
560 frequently the emissions testing will be required.

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

563 (i) odd-numbered years for vehicles with odd-numbered model years; or

564 (ii) in even-numbered years for vehicles with even-numbered model years.

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

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

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

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

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

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

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

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

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

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

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

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

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

608 (b) If a county conducts an investigation as described in Subsection (14)(a) and  
609 determines that the vehicle owner has used a false or improper address in an effort to avoid an  
610 emissions inspection as required in this section, the county may impose a civil penalty of  
611 \$1,000.

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

613 **41-21-1. Definitions.**

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

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

646 (5) (a) "Vintage vehicle" means a motor vehicle or motorcycle that:  
647 (i) is 30 years old or older from the current year;  
648 (ii) displays:  
649 (A) a unique vehicle type special group license plate issued in accordance with Section  
650 41-1a-418; or  
651 (B) for a vehicle that has a model year of [~~1980~~] 1982 or older, a historical support  
652 special group plate; and  
653 (iii) is primarily a collector's item that is used for:  
654 (A) participation in club activities;  
655 (B) exhibitions;  
656 (C) tours;  
657 (D) parades;  
658 (E) occasional transportation; and  
659 (F) other similar uses.  
660 (b) "Vintage vehicle" does not include a motor vehicle or motorcycle that is used for  
661 general, daily transportation.  
662 (c) "Vintage vehicle" includes a:  
663 (i) street rod; and  
664 (ii) vintage travel trailer.  
665 Section 8. Section **59-12-103** is amended to read:  
666 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
667 **tax revenues.**  
668 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or  
669 sales price for amounts paid or charged for the following transactions:  
670 (a) retail sales of tangible personal property made within the state;  
671 (b) amounts paid for:  
672 (i) telecommunications service, other than mobile telecommunications service, that  
673 originates and terminates within the boundaries of this state;  
674 (ii) mobile telecommunications service that originates and terminates within the  
675 boundaries of one state only to the extent permitted by the Mobile Telecommunications  
676 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

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

708 in Subsection (1)(g)(i), regardless of whether:

709 (A) any parts are actually used in the repairs or renovations of that tangible personal  
710 property; or

711 (B) the particular parts used in the repairs or renovations of that tangible personal  
712 property are exempt from a tax under this chapter;

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

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

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

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

720 (i) stored;

721 (ii) used; or

722 (iii) otherwise consumed;

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

725 (i) stored;

726 (ii) used; or

727 (iii) consumed; and

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

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

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

731 (ii) regardless of whether the sale provides:

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

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

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

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

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

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



739 (A) 4.70% plus the rate specified in Subsection (12)(a); and  
740 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
741 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
742 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
743 State Sales and Use Tax Act; and  
744 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
745 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
746 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
747 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
748 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
749 transaction under this chapter other than this part.  
750 (b) Except as provided in Subsection (2)(e) or (f) and subject to Subsection (2)(k), a  
751 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
752 the sum of:  
753 (i) a state tax imposed on the transaction at a tax rate of 2%; and  
754 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
755 transaction under this chapter other than this part.  
756 (c) Except as provided in Subsection (2)(e) or (f), a state tax and a local tax are  
757 imposed on amounts paid or charged for food and food ingredients equal to the sum of:  
758 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
759 a tax rate of 1.75%; and  
760 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
761 amounts paid or charged for food and food ingredients under this chapter other than this part.  
762 (d) Except as provided in Subsection (2)(e) or (f), a state tax is imposed on amounts  
763 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at  
764 a rate of 4.85%.  
765 (e) (i) For a bundled transaction that is attributable to food and food ingredients and  
766 tangible personal property other than food and food ingredients, a state tax and a local tax is  
767 imposed on the entire bundled transaction equal to the sum of:  
768 (A) a state tax imposed on the entire bundled transaction equal to the sum of:  
769 (I) the tax rate described in Subsection (2)(a)(i)(A); and

770 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
771 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
772 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
773 Additional State Sales and Use Tax Act; and

774 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
775 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
776 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
777 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

801 (II) state or federal law provides otherwise.

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

805 (f) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(f)(ii)  
806 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
807 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
808 of tangible personal property, other property, a product, or a service that is not subject to  
809 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
810 the seller, at the time of the transaction:

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

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

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

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

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

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

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

831 (A) separately states the items subject to taxation under this chapter at each of the

832 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

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

836 (ii) For purposes of Subsection (2)(g)(i), books and records that a seller keeps in the  
837 seller's regular course of business includes books and records the seller keeps in the regular  
838 course of business for nontax purposes.

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

- 841 (i) Subsection (2)(a)(i)(A);
- 842 (ii) Subsection (2)(b)(i);
- 843 (iii) Subsection (2)(c)(i); or
- 844 (iv) Subsection (2)(e)(i)(A)(I).

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

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

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

- 855 (A) Subsection (2)(a)(i)(A);
- 856 (B) Subsection (2)(b)(i);
- 857 (C) Subsection (2)(c)(i); or
- 858 (D) Subsection (2)(e)(i)(A)(I).

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

- 862 (A) on the first day of a calendar quarter; and

863 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

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

865 (A) Subsection (2)(a)(i)(A);

866 (B) Subsection (2)(b)(i);

867 (C) Subsection (2)(c)(i); or

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

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

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

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

876 (A) a commercial use;

877 (B) an industrial use; or

878 (C) a residential use.

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

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

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

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

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

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

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

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

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

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

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

892 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
893 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)

894 through (g):

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

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

897 (B) for the fiscal year; or

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

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

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

904 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
905 act, to political subdivisions of the state to implement the measures described in Subsections  
906 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

955 (iii) develop surface water sources.

956 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
957 2006, the difference between the following amounts shall be expended as provided in this  
958 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

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

983 (i) preconstruction costs:

984 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
985 26, Bear River Development Act; and

986 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project



987 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

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

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

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

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

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

1000 (a) for fiscal year 2020-21 only:

1001 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the  
1002 Transportation Investment Fund of 2005 created by Section 72-2-124; and

1003 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the  
1004 Water Infrastructure Restricted Account created by Section 73-10g-103; and

1005 (b) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described  
1006 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account  
1007 created by Section 73-10g-103.

1008 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in  
1009 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,  
1010 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005  
1011 created by Section 72-2-124:

1012 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of  
1013 the revenues collected from the following taxes, which represents a portion of the  
1014 approximately 17% of sales and use tax revenues generated annually by the sales and use tax  
1015 on vehicles and vehicle-related products:

1016 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1017 (B) the tax imposed by Subsection (2)(b)(i);

1018 (C) the tax imposed by Subsection (2)(c)(i); and  
1019 (D) the tax imposed by Subsection (2)(e)(i)(A)(I); plus  
1020 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the  
1021 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through  
1022 (D) that exceeds the amount collected from the sales and use taxes described in Subsections  
1023 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

1024 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of  
1025 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total  
1026 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)  
1027 generated in the current fiscal year than the total percentage of sales and use taxes deposited in  
1028 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection  
1029 (7)(a) equal to the product of:

1030 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the  
1031 previous fiscal year; and  
1032 (B) the total sales and use tax revenue generated by the taxes described in Subsections  
1033 (7)(a)(i)(A) through (D) in the current fiscal year.

1034 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under  
1035 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes  
1036 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of  
1037 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in  
1038 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

1039 (iii) Subject to Subsection (7)(b)(iv)(E), in all subsequent fiscal years after a year in  
1040 which 17% of the revenues collected from the sales and use taxes described in Subsections  
1041 (7)(a)(i)(A) through (D) was deposited under Subsection (7)(a), the Division of Finance shall  
1042 annually deposit 17% of the revenues collected from the sales and use taxes described in  
1043 Subsections (7)(a)(i)(A) through (D) in the current fiscal year under Subsection (7)(a).

1044 (iv) (A) As used in this Subsection (7)(b)(iv), "additional growth revenue" means the  
1045 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%  
1046 the relevant revenue collected in the previous fiscal year.

1047 (B) As used in this Subsection (7)(b)(iv), "combined amount" means the combined  
1048 total amount of money deposited into the Cottonwood Canyons fund under Subsections

1049 (7)(b)(iv)(F) and (8)(d)(vi) in any single fiscal year.

1050 (C) As used in this Subsection (7)(b)(iv), "Cottonwood Canyons fund" means the  
1051 Cottonwood Canyons Transportation Investment Fund created in Subsection [72-2-124](#)(10).

1052 (D) As used in this Subsection (7)(b)(iv), "relevant revenue" means the portion of taxes  
1053 listed under Subsection (3)(a) that equals 17% of the revenue collected from taxes described in  
1054 Subsections (7)(a)(i)(A) through (D).

1055 (E) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1056 reduce the deposit under Subsection (7)(b)(iii) into the Transportation Investment Fund of 2005  
1057 by an amount equal to the amount of the deposit under this Subsection (7)(b)(iv) to the  
1058 Cottonwood Canyons fund in the previous fiscal year plus 25% of additional growth revenue,  
1059 subject to the limit in Subsection (7)(b)(iv)(F).

1060 (F) The commission shall annually deposit the amount described in Subsection  
1061 (7)(b)(iv)(E) into the Cottonwood Canyons fund, subject to an annual maximum combined  
1062 amount for any single fiscal year of \$20,000,000.

1063 (G) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1064 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1065 Canyons fund under this Subsection (7)(b)(iv) in the same proportion as the decline in relevant  
1066 revenue.

1067 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
1068 2023, the commission shall annually reduce the deposit into the Transportation Investment  
1069 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1070 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
1071 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described  
1072 in Subsections (7)(a)(i)(A) through (D);

1073 (B) the amount of revenue generated in the current fiscal year by registration fees  
1074 designated under Section [41-1a-1201](#) to be deposited into the Transportation Investment Fund  
1075 of 2005; and

1076 (C) revenues transferred by the Division of Finance to the Transportation Investment  
1077 Fund of 2005 in accordance with Section [72-2-106](#) in the current fiscal year.

1078 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
1079 given fiscal year.

1080            (iii) The commission shall annually deposit the amount described in Subsection  
1081 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1082            (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1083 Subsections (6) and (7), and subject to Subsections (8)(b) and (d)(v), for a fiscal year beginning  
1084 on or after July 1, 2018, the commission shall annually deposit into the Transportation  
1085 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under  
1086 Subsection (3)(a) in an amount equal to 3.68% of the revenues collected from the following  
1087 taxes:

- 1088            (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1089            (ii) the tax imposed by Subsection (2)(b)(i);
- 1090            (iii) the tax imposed by Subsection (2)(c)(i); and
- 1091            (iv) the tax imposed by Subsection (2)(e)(i)(A)(I).

1092            (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1093 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
1094 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1095 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1096 or use in this state that exceeds 29.4 cents per gallon.

1097            (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1098 into the Transit Transportation Investment Fund created in Section 72-2-124.

1099            (d) (i) As used in this Subsection (8)(d), "additional growth revenue" means the  
1100 amount of relevant revenue collected in the current fiscal year that exceeds by more than 3%  
1101 the relevant revenue collected in the previous fiscal year.

1102            (ii) As used in this Subsection (8)(d), "combined amount" means the combined total  
1103 amount of money deposited into the Cottonwood Canyons fund under Subsections (7)(b)(iv)(F)  
1104 and (8)(d)(vi) in any single fiscal year.

1105            (iii) As used in this Subsection (8)(d), "Cottonwood Canyons fund" means the  
1106 Cottonwood Canyons Transportation Investment Fund created in Subsection 72-2-124(10).

1107            (iv) As used in this Subsection (8)(d), "relevant revenue" means the portion of taxes  
1108 listed under Subsection (3)(a) that equals 3.68% of the revenue collected from taxes described  
1109 in Subsections (8)(a)(i) through (iv).

1110            (v) For a fiscal year beginning on or after July 1, 2020, the commission shall annually

1111 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1112 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1113 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1114 limit in Subsection (8)(d)(vi).

1115 (vi) The commission shall annually deposit the amount described in Subsection  
1116 (8)(d)(v) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1117 for any single fiscal year of \$20,000,000.

1118 (vii) If the amount of relevant revenue declines in a fiscal year compared to the  
1119 previous fiscal year, the commission shall decrease the amount of the contribution to the  
1120 Cottonwood Canyons fund under this Subsection (8)(d) in the same proportion as the decline in  
1121 relevant revenue.

1122 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1123 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1124 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1125 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(b),  
1126 and in addition to any amounts deposited under Subsections (6), (7), and (8), the Division of  
1127 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
1128 72-2-124 the amount of revenue described as follows:

1129 (i) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a .05%  
1130 tax rate on the transactions described in Subsection (1); and

1131 (ii) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%  
1132 tax rate on the transactions described in Subsection (1).

1133 (b) For purposes of Subsection (10)(a), the Division of Finance may not deposit into  
1134 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
1135 charged for food and food ingredients, except for tax revenue generated by a bundled  
1136 transaction attributable to food and food ingredients and tangible personal property other than  
1137 food and food ingredients described in Subsection (2)(e).

1138 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1139 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that  
1140 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of  
1141 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue

1142 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,  
1143 created in Section [63N-2-512](#).

1144 (12) (a) The rate specified in this subsection is 0.15%.

1145 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall, for a fiscal year  
1146 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1147 rate described in Subsection (12)(a) on the transactions that are subject to the sales and use tax  
1148 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section  
1149 [26-36b-208](#).

1150 (13) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1151 2020-21, the Division of Finance shall deposit \$200,000 into the General Fund as a dedicated  
1152 credit solely for use of the Search and Rescue Financial Assistance Program created in, and  
1153 expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1154 (14) (a) For each fiscal year beginning with fiscal year 2020-21, the Division of  
1155 Finance shall annually transfer \$1,813,400 of the revenue deposited into the Transportation  
1156 Investment Fund of 2005 under Subsections (6) through (8) to the General Fund.

1157 (b) If the total revenue deposited into the Transportation Investment Fund of 2005  
1158 under Subsections (6) through (8) is less than \$1,813,400 for a fiscal year, the Division of  
1159 Finance shall transfer the total revenue deposited into the Transportation Investment Fund of  
1160 2005 under Subsections (6) through (8) during the fiscal year to the General Fund.

1161 (15) Notwithstanding Subsection (3)(a), and as described in Section [63N-3-610](#),  
1162 beginning the first day of the calendar quarter one year after the sales and use tax boundary for  
1163 a housing and transit reinvestment zone is established, the commission, at least annually, shall  
1164 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
1165 and use tax boundary, as defined in Section [63N-3-602](#), into the Transit Transportation  
1166 Investment Fund created in Section [72-2-124](#).

1167 (16) Notwithstanding Subsection (3)(a), the Division of Finance shall, for a fiscal year  
1168 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
1169 Restricted Account, created in Section [51-9-902](#), a portion of the taxes listed under Subsection  
1170 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

1171 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1172 (b) the tax imposed by Subsection (2)(b)(i);

1173 (c) the tax imposed by Subsection (2)(c)(i); and

1174 (d) the tax imposed by Subsection (2)(e)(i)(A)(I).

1175 Section 9. Section **59-12-2220** is amended to read:

1176 **59-12-2220. County option sales and use tax to fund a system for public transit --**

1177 **Base -- Rate.**

1178 (1) Subject to the other provisions of this part and subject to the requirements of this  
1179 section, beginning on July 1, 2019, the following counties may impose a sales and use tax  
1180 under this section:

1181 (a) a county legislative body may impose the sales and use tax on the transactions  
1182 described in Subsection [59-12-103](#)(1) located within the county, including the cities and towns  
1183 within the county if:

1184 (i) the entire boundary of a county is annexed into a large public transit district; and

1185 (ii) the maximum amount of sales and use tax authorizations allowed pursuant to

1186 Section [59-12-2203](#) and authorized under the following sections has been imposed:

1187 (A) Section [59-12-2213](#);

1188 (B) Section [59-12-2214](#);

1189 (C) Section [59-12-2215](#);

1190 (D) Section [59-12-2216](#);

1191 (E) Section [59-12-2217](#);

1192 (F) Section [59-12-2218](#); and

1193 (G) Section [59-12-2219](#);

1194 (b) if the county is not annexed into a large public transit district, the county legislative  
1195 body may impose the sales and use tax on the transactions described in Subsection

1196 [59-12-103](#)(1) located within the county, including the cities and towns within the county if:

1197 (i) the county is an eligible political subdivision as defined in Section [59-12-2219](#); or

1198 (ii) a city or town within the boundary of the county is an eligible political subdivision

1199 as defined in Section [59-12-2219](#); or

1200 (c) a county legislative body of a county not described in Subsection (1)(a) may impose

1201 the sales and use tax on the transactions described in Subsection [59-12-103](#)(1) located within

1202 the county, including the cities and towns within the county, if there is a public transit district

1203 within the boundary of the county.

1204 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
1205 county legislative body that imposes a sales and use tax under this section may impose the tax  
1206 at a rate of .2%.

1207 (3) A county imposing a sales and use tax under this section shall expend the revenues  
1208 collected from the sales and use tax for capital expenses and service delivery expenses of:

1209 (a) a public transit district;

1210 (b) an eligible political subdivision, as that term is defined in Section 59-12-2219; or

1211 (c) another entity providing a service for public transit or a transit facility within the  
1212 county as those terms are defined in Section 17B-2a-802.

1213 (4) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
1214 required to, submit an opinion question to the county's registered voters in accordance with  
1215 Section 59-12-2208 to impose a sales and use tax under this section.

1216 (5) (a) Notwithstanding any other provision in this section, if a county wishes to  
1217 impose a sales and use tax under this section, the county legislative body shall pass the  
1218 ordinance to impose a sales and use tax under this section on or before June 30, [2023] 2026.

1219 (b) The county legislative body may not pass an ordinance to impose a sales and use  
1220 tax under this section on or after July 1, [2023] 2026.

1221 (c) Notwithstanding the deadline described in Subsection (5)(a), any sales and use tax  
1222 imposed under this section on or before June 30, 2023, may remain in effect.

1223 (6) (a) Revenue collected from a sales and use tax under this section may not be used  
1224 to supplant existing General Fund appropriations that a county has budgeted for transportation  
1225 or public transit as of the date the tax becomes effective for a county.

1226 (b) The limitation under Subsection (6)(a) does not apply to a designated transportation  
1227 or public transit capital or reserve account a county may have established prior to the date the  
1228 tax becomes effective.

1229 Section 10. Section 72-1-102 is amended to read:

1230 **72-1-102. Definitions.**

1231 As used in this title:

1232 (1) "Circulator alley" means a publicly owned passageway:

1233 (a) with a right-of-way width of 20 feet or greater;

1234 (b) located within a master planned community;



1235 (c) established by the city having jurisdictional authority as part of the street network  
1236 for traffic circulation that may also be used for:

1237 (i) garbage collection;

1238 (ii) access to residential garages; or

1239 (iii) access rear entrances to a commercial establishment; and

1240 (d) constructed with a bituminous or concrete pavement surface.

1241 (2) "Commission" means the Transportation Commission created under Section  
1242 [72-1-301](#).

1243 (3) "Construction" means the construction, reconstruction, replacement, and  
1244 improvement of the highways, including the acquisition of rights-of-way and material sites.

1245 (4) "Department" means the Department of Transportation created in Section [72-1-201](#).

1246 (5) "Executive director" means the executive director of the department appointed  
1247 under Section [72-1-202](#).

1248 (6) "Farm tractor" has the meaning set forth in Section [41-1a-102](#).

1249 (7) "Federal aid primary highway" means that portion of connected main highways  
1250 located within this state officially designated by the department and approved by the United  
1251 States Secretary of Transportation under Title 23, Highways, U.S.C.

1252 (8) "Fixed guideway" means the same as that term is defined in Section [59-12-102](#).

1253 (9) (a) "Fixed guideway capital development" means a project to construct or  
1254 reconstruct a public transit fixed guideway facility that will add capacity to a fixed guideway  
1255 public transit facility.

1256 (b) "Fixed guideway capital development" includes:

1257 (i) a project to strategically double track commuter rail lines; and

1258 (ii) a project to develop and construct public transit facilities and related infrastructure  
1259 pertaining to the Point of the Mountain State Land Authority created in Section [11-59-201](#).

1260 (10) "Greenfield" means the same as that term is defined in Section [17C-1-102](#).

1261 [~~(10)~~] (11) "Highway" means any public road, street, alley, lane, court, place, viaduct,  
1262 tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned  
1263 to the public, or made public in an action for the partition of real property, including the entire  
1264 area within the right-of-way.

1265 [~~(11)~~] (12) "Highway authority" means the department or the legislative, executive, or

1266 governing body of a county or municipality.

1267 ~~[(12)]~~ (13) "Housing and transit reinvestment zone" means the same as that term is  
1268 defined in Section [63N-3-602](#).

1269 ~~[(13)]~~ (14) "Implement of husbandry" has the meaning set forth in Section [41-1a-102](#).

1270 ~~[(14)]~~ (15) "Interstate system" means any highway officially designated by the  
1271 department and included as part of the national interstate and defense highways, as provided in  
1272 the Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

1273 ~~[(15)]~~ (16) "Large public transit district" means the same as that term is defined in  
1274 Section [17B-2a-802](#).

1275 ~~[(16)]~~ (17) "Limited-access facility" means a highway especially designated for  
1276 through traffic, and over, from, or to which neither owners nor occupants of abutting lands nor  
1277 other persons have any right or easement, or have only a limited right or easement of access,  
1278 light, air, or view.

1279 ~~[(17)]~~ (18) "Master planned community" means a land use development:

1280 (a) designated by the city as a master planned community; and

1281 (b) comprised of a single development agreement for a development larger than 500  
1282 acres.

1283 ~~[(18)]~~ (19) "Motor vehicle" has the same meaning set forth in Section [41-1a-102](#).

1284 ~~[(19)]~~ (20) "Municipality" has the same meaning set forth in Section [10-1-104](#).

1285 ~~[(20)]~~ (21) "National highway systems highways" means that portion of connected  
1286 main highways located within this state officially designated by the department and approved  
1287 by the United States Secretary of Transportation under Title 23, Highways, U.S.C.

1288 ~~[(21)]~~ (22) (a) "Port-of-entry" means a fixed or temporary facility constructed,  
1289 operated, and maintained by the department where drivers, vehicles, and vehicle loads are  
1290 checked or inspected for compliance with state and federal laws as specified in Section  
1291 [72-9-501](#).

1292 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

1293 ~~[(22)]~~ (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform  
1294 the duties specified in Section [72-9-501](#).

1295 ~~[(23)]~~ (24) "Public transit" means the same as that term is defined in Section  
1296 [17B-2a-802](#).

- 1297            [~~(24)~~] (25) "Public transit facility" means a fixed guideway, transit vehicle, transit  
1298 station, depot, passenger loading or unloading zone, parking lot, or other facility:
- 1299            (a) leased by or operated by or on behalf of a public transit district; and  
1300            (b) related to the public transit services provided by the district, including:
- 1301            (i) railway or other right-of-way;  
1302            (ii) railway line; and  
1303            (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by  
1304 a transit vehicle.
- 1305            [~~(25)~~] (26) "Right-of-way" means real property or an interest in real property, usually  
1306 in a strip, acquired for or devoted to [~~a highway~~] state transportation purposes.
- 1307            [~~(26)~~] (27) "Sealed" does not preclude acceptance of electronically sealed and  
1308 submitted bids or proposals in addition to bids or proposals manually sealed and submitted.
- 1309            [~~(27)~~] (28) "Semitrailer" has the meaning set forth in Section [41-1a-102](#).
- 1310            [~~(28)~~] (29) "SR" means state route and has the same meaning as state highway as  
1311 defined in this section.
- 1312            [~~(29)~~] (30) "State highway" means those highways designated as state highways in  
1313 Title 72, Chapter 4, Designation of State Highways Act.
- 1314            [~~(30)~~] (31) "State transportation purposes" has the meaning set forth in Section  
1315 [72-5-102](#).
- 1316            [~~(31)~~] (32) "State transportation systems" means all streets, alleys, roads, highways,  
1317 pathways, and thoroughfares of any kind, including connected structures, airports, aerial  
1318 corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of  
1319 conveyance used by the public.
- 1320            [~~(32)~~] (33) "Trailer" has the meaning set forth in Section [41-1a-102](#).
- 1321            [~~(33)~~] (34) "Transportation reinvestment zone" means a transportation reinvestment  
1322 zone created pursuant to Section [11-13-227](#).
- 1323            [~~(34)~~] (35) "Truck tractor" has the meaning set forth in Section [41-1a-102](#).
- 1324            [~~(35)~~] (36) "UDOT" means the Utah Department of Transportation.
- 1325            [~~(36)~~] (37) "Vehicle" has the same meaning set forth in Section [41-1a-102](#).
- 1326            Section 11. Section **72-1-202** is amended to read:
- 1327            **72-1-202. Executive director of department -- Appointment -- Qualifications --**

1328 **Term -- Responsibility -- Power to bring suits -- Salary.**

1329 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
1330 executive director to be the chief executive officer of the department.

1331 (b) The executive director shall be a registered professional engineer and qualified  
1332 executive with technical and administrative experience and training appropriate for the  
1333 position.

1334 (c) The executive director shall remain in office until a successor is appointed.

1335 (d) The executive director may be removed by the governor.

1336 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
1337 prescribed in this chapter, the executive director shall:

1338 (a) have responsibility for the administrative supervision of the state transportation  
1339 systems and the various operations of the department;

1340 (b) have the responsibility for the implementation of rules, priorities, and policies  
1341 established by the department and the commission;

1342 (c) have the responsibility for the oversight and supervision of[:]

1343 [(†)] any transportation project for which state funds are expended; [and]

1344 [~~(ii) any fixed guideway capital development project within the boundaries of a large  
1345 public transit district for which any state funds are expended;~~]

1346 (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
1347 department as the executive director considers reasonable and necessary for the proper  
1348 attainment of the goals of this chapter;

1349 (e) receive a salary, to be established by the governor within the salary range fixed by  
1350 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
1351 traveling expenses while away from the executive director's office on official business;

1352 (f) purchase all equipment, services, and supplies necessary to achieve the department's  
1353 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);

1354 (g) have the responsibility to determine whether a purchase from, contribution to, or  
1355 other participation with a public entity or association of public entities in a pooled fund  
1356 program to acquire, develop, or share information, data, reports, or other services related to the  
1357 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
1358 Code;

1359 (h) have responsibility for administrative supervision of the Comptroller Division, the  
1360 Internal Audit Division, and the Communications Division; and

1361 (i) appoint assistants, to serve at the discretion of the executive director, to administer  
1362 the divisions of the department.

1363 (3) The executive director may employ other assistants and advisers as the executive  
1364 director finds necessary and fix salaries in accordance with the salary standards adopted by the  
1365 Division of Human Resource Management.

1366 ~~[(4)(a) For a fixed guideway capital development project within the boundaries of a  
1367 large public transit district for which state funds are expended, responsibilities of the executive  
1368 director include:]~~

1369 ~~[(i) project development for a fixed guideway capital development project in a large  
1370 public transit district;]~~

1371 ~~[(ii) oversight and coordination of planning, including:]~~

1372 ~~[(A) development of statewide strategic initiatives for planning across all modes of  
1373 transportation;]~~

1374 ~~[(B) coordination with metropolitan planning organizations;]~~

1375 ~~[(C) coordination with a large public transit district, including planning, project  
1376 development, outreach, programming, environmental studies and impact statements,  
1377 construction, and impacts on public transit operations; and]~~

1378 ~~[(D) corridor and area planning;]~~

1379 ~~[(iii) programming and prioritization of fixed guideway capital development projects;]~~

1380 ~~[(iv) fulfilling requirements for environmental studies and impact statements; and]~~

1381 ~~[(v) resource investment, including identification, development, and oversight of  
1382 public-private partnership opportunities.]~~

1383 ~~[(5)(a) Before October 31, 2022, the department shall submit to the Transportation  
1384 Interim Committee a written plan for the department to assume management of all fixed  
1385 guideway capital development projects within a large public transit district for which state  
1386 funds are expended.]~~

1387 ~~[(b) The department shall consult with a large public transit district and relevant  
1388 metropolitan planning organizations in developing the plan described in Subsection (5)(a).]~~

1389 ~~[(c) The Transportation Interim Committee shall consider the plan submitted by the~~

1390 department as described in Subsection (5)(a) and make recommendations to the Legislature  
1391 before ~~December 1, 2022.~~]

1392 Section 12. Section **72-1-203** is amended to read:

1393 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**  
1394 **and advisers -- Salaries.**

1395 (1) The executive director shall appoint [~~two~~] the following deputy directors, who shall  
1396 serve at the discretion of the executive director[~~:-~~];

1397 (a) the deputy director of engineering and operation, who shall be a registered  
1398 professional engineer in the state, and who shall be the chief engineer of the department; and

1399 (b) the deputy director of planning and investment.

1400 [~~(2)(a) The deputy director of engineering and operations shall be a registered~~  
1401 ~~professional engineer in the state and is the chief engineer of the department.~~]

1402 [~~(b) The deputy director of engineering and operations shall assist the executive~~  
1403 ~~director with areas of responsibility that may include:~~]

1404 [~~(i) project development, including statewide standards for project design and~~  
1405 ~~construction, right-of-way, materials, testing, structures, and construction;~~]

1406 [~~(ii) oversight of the management of the region offices described in Section [72-1-205](#);~~]

1407 [~~(iii) operations and traffic management;~~]

1408 [~~(iv) oversight of operations of motor carriers and ports;~~]

1409 [~~(v) transportation systems safety;~~]

1410 [~~(vi) aeronautical operations; and~~]

1411 [~~(vii) equipment for department engineering and maintenance functions.~~]

1412 [~~(c) The deputy director of planning and investment shall assist the executive director~~  
1413 ~~with areas of responsibility that may include:~~]

1414 [~~(i) oversight and coordination of planning, including:~~]

1415 [~~(A) development of statewide strategic initiatives for planning across all modes of~~  
1416 ~~transportation;~~]

1417 [~~(B) coordination with metropolitan planning organizations and local governments;~~  
1418 ~~and~~]

1419 [~~(C) corridor and area planning;~~]

1420 [~~(ii) asset management;~~]

1421 ~~[(iii) programming and prioritization of transportation projects;]~~  
1422 ~~[(iv) fulfilling requirements for environmental studies and impact statements;]~~  
1423 ~~[(v) resource investment, including identification, development, and oversight of~~  
1424 ~~public-private partnership opportunities;]~~  
1425 ~~[(vi) data analytics services to the department;]~~  
1426 ~~[(vii) corridor preservation;]~~  
1427 ~~[(viii) employee development;]~~  
1428 ~~[(ix) maintenance planning; and]~~  
1429 ~~[(x) oversight and facilitation of the negotiations and integration of public transit~~  
1430 ~~providers described in Section [17B-2a-827](#).]~~

1431 (2) As assigned by the executive director, the deputy directors described in Subsection

1432 (1) may assist the executive director with the following departmental responsibilities:

1433 (a) project development, including statewide standards for project design and  
1434 construction, right-of-way, materials, testing, structures, and construction;

1435 (b) oversight of the management of the region offices described in Section [72-1-205](#);

1436 (c) operations and traffic management;

1437 (d) oversight of operations of motor carriers and ports;

1438 (e) transportation systems safety;

1439 (f) aeronautical operations;

1440 (g) equipment for department engineering and maintenance functions;

1441 (h) oversight and coordination of planning, including:

1442 (i) development of statewide strategic initiatives for planning across all modes of  
1443 transportation;

1444 (ii) coordination with metropolitan planning organizations and local governments;

1445 (iii) coordination with a large public transit district, including planning, project  
1446 development, outreach, programming, environmental studies and impact statements,  
1447 construction, and impacts on public transit operations; and

1448 (iv) corridor and area planning;

1449 (i) asset management;

1450 (j) programming and prioritization of transportation projects;

1451 (k) fulfilling requirements for environmental studies and impact statements;

1452 (l) resource investment, including identification, development, and oversight of  
1453 public-private partnership opportunities;

1454 (m) data analytics services to the department;

1455 (n) corridor preservation;

1456 (o) employee development;

1457 (p) maintenance planning;

1458 (q) oversight and facilitation of the negotiations and integration of public transit  
1459 providers described in Section [17B-2a-827](#);

1460 (r) oversight and supervision of any fixed guideway capital development project within  
1461 the boundaries of a large public transit district for which any state funds are expended,  
1462 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l); and

1463 (s) other departmental responsibilities as determined by the executive director.

1464 (3) The executive director shall ensure that the same deputy director does not oversee  
1465 or supervise both the fixed guideway capital development responsibilities described in  
1466 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the  
1467 responsibilities described in Section [72-1-214](#).

1468 Section 13. Section [72-1-213.2](#) is amended to read:

1469 **[72-1-213.2. Road Usage Charge Program Special Revenue Fund -- Revenue.](#)**

1470 (1) There is created [a] an expendable special revenue fund within the Transportation  
1471 Fund known as the "Road Usage Charge Program Special Revenue Fund."

1472 (2) (a) The fund shall be funded from the following sources:

1473 (i) revenue collected by the department under Section [72-1-213.1](#);

1474 (ii) appropriations made to the fund by the Legislature;

1475 (iii) contributions from other public and private sources for deposit into the fund;

1476 (iv) interest earnings on cash balances; and

1477 (v) money collected for repayments and interest on fund money.

1478 (b) If the revenue derived from the sources described in Subsection (2)(a) is  
1479 insufficient to cover the costs of administering the road usage charge program, subject to  
1480 Subsection [72-2-107](#)(1), the department may transfer into the fund revenue deposited into the  
1481 Transportation Fund from the fee described in Subsections [41-1a-1206](#)(1)(h) and (2)(b) in an  
1482 amount sufficient to enable the department to administer the road usage charge program.



1483 (3) (a) Revenue generated by the road usage charge program and relevant penalties  
1484 shall be deposited into the Road Usage Charge Program Special Revenue Fund.

1485 (b) Revenue in the Road Usage Charge Program Special Revenue Fund is nonlapsing.

1486 (4) ~~[Upon appropriation by the Legislature, the]~~ The department may use revenue  
1487 deposited into the Road Usage Charge Program Special Revenue Fund:

1488 (a) to cover the costs of administering the program; and

1489 (b) for ~~[state transportation purposes]~~ the purposes described in Subsection (5).

1490 (5) If revenue collected by the department under Section 72-1-213.1 in a fiscal year is  
1491 sufficient to cover all costs related to administering the road usage charge program in that fiscal  
1492 year, the department shall deposit any excess revenue collected by the department under  
1493 Section 72-1-213.1 from the Road Usage Charge Program Special Revenue Fund into the  
1494 Transportation Fund for appropriation and apportionment in accordance with Section 72-2-107.

1495 Section 14. Section **72-1-304** is amended to read:

1496 **72-1-304. Written project prioritization process for new transportation capacity**  
1497 **projects -- Rulemaking.**

1498 (1) (a) The Transportation Commission, in consultation with the department and the  
1499 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1500 prioritization process for the prioritization of:

1501 (i) new transportation capacity projects that are or will be part of the state highway  
1502 system under Chapter 4, Part 1, State Highways;

1503 (ii) paved pedestrian or paved nonmotorized transportation projects ~~[that:]~~ described in  
1504 Section 72-2-124;

1505 ~~[(A) mitigate traffic congestion on the state highway system; and]~~

1506 ~~[(B) are part of an active transportation plan approved by the department;]~~

1507 (iii) public transit projects that directly add capacity to the public transit systems within  
1508 the state, not including facilities ancillary to the public transit system; and

1509 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
1510 public transit system.

1511 (b) (i) A local government or district may nominate a project for prioritization in  
1512 accordance with the process established by the commission in rule.

1513 (ii) If a local government or district nominates a project for prioritization by the

1514 commission, the local government or district shall provide data and evidence to show that:

1515 (A) the project will advance the purposes and goals described in Section 72-1-211;

1516 (B) for a public transit project, the local government or district has an ongoing funding  
1517 source for operations and maintenance of the proposed development; and

1518 (C) the local government or district will provide 40% of the costs for the project as  
1519 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1520 (2) The following shall be included in the written prioritization process under  
1521 Subsection (1):

1522 (a) a description of how the strategic initiatives of the department adopted under  
1523 Section 72-1-211 are advanced by the written prioritization process;

1524 (b) a definition of the type of projects to which the written prioritization process  
1525 applies;

1526 (c) specification of a weighted criteria system that is used to rank proposed projects  
1527 and how it will be used to determine which projects will be prioritized;

1528 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1529 (e) any other provisions the commission considers appropriate, which may include  
1530 consideration of:

1531 (i) regional and statewide economic development impacts, including improved local  
1532 access to:

1533 (A) employment;

1534 (B) educational facilities;

1535 (C) recreation;

1536 (D) commerce; and

1537 (E) residential areas, including moderate income housing as demonstrated in the local  
1538 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1539 (ii) the extent to which local land use plans relevant to a project support and  
1540 accomplish the strategic initiatives adopted under Section 72-1-211; and

1541 (iii) any matching funds provided by a political subdivision or public transit district in  
1542 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

1543 (3) (a) When prioritizing a public transit project that increases capacity, the  
1544 commission:

1545 (i) may give priority consideration to projects that are part of a transit-oriented  
1546 development or transit-supportive development as defined in Section 17B-2a-802; and

1547 (ii) shall give priority consideration to projects that are within the boundaries of a  
1548 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
1549 Housing and Transit Reinvestment Zone Act.

1550 (b) When prioritizing a transportation project that increases capacity, the commission  
1551 may give priority consideration to projects that are:

1552 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1553 (A) the state is a participant in the transportation reinvestment zone; or

1554 (B) the commission finds that the transportation reinvestment zone provides a benefit  
1555 to the state transportation system; or

1556 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
1557 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1558 (c) If the department receives a notice of prioritization for a municipality as described  
1559 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
1560 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority  
1561 consideration to transportation projects that are within the boundaries of the municipality or the  
1562 unincorporated areas of the county.

1563 (4) In developing the written prioritization process, the commission:

1564 (a) shall seek and consider public comment by holding public meetings at locations  
1565 throughout the state; and

1566 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
1567 the state provides an equal opportunity to raise local matching dollars for state highway  
1568 improvements within each county.

1569 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1570 Transportation Commission, in consultation with the department, shall make rules establishing  
1571 the written prioritization process under Subsection (1).

1572 (6) The commission shall submit the proposed rules under this section to a committee  
1573 or task force designated by the Legislative Management Committee for review prior to taking  
1574 final action on the proposed rules or any proposed amendment to the rules described in  
1575 Subsection (5).

1576 Section 15. Section 72-1-305 is amended to read:

1577 **72-1-305. Project selection using the written prioritization process -- Public**  
1578 **comment -- Report.**

1579 (1) Except as provided in Subsection (4), in determining priorities and funding levels  
1580 of projects in the state transportation system under Subsection 72-1-303(1)(a) that are new  
1581 transportation capacity projects, the commission shall use the weighted criteria system adopted  
1582 in the written prioritization process under Section 72-1-304.

1583 (2) Prior to finalizing priorities and funding levels of projects in the state transportation  
1584 system, the commission shall conduct public hearings at locations around the state and accept  
1585 public comments on:

1586 (a) the written prioritization process;

1587 (b) the merits of new transportation capacity projects that will be prioritized under this  
1588 section; and

1589 (c) the merits of new transportation capacity projects as recommended by a consensus  
1590 of local elected officials participating in a metropolitan planning organization as defined in  
1591 Section 72-1-208.5.

1592 (3) The commission shall make the weighted criteria system ranking for each project  
1593 publicly available prior to the public hearings held under Subsection (2).

1594 (4) (a) If the commission prioritizes a project over another project with a higher rank  
1595 under the weighted criteria system, the commission shall identify the change and accept public  
1596 comment at a hearing held under this section on the merits of prioritizing the project above  
1597 higher ranked projects.

1598 (b) The commission shall make the reasons for the prioritization under Subsection  
1599 (4)(a) publicly available.

1600 (5) (a) The executive director or the executive director's designee shall report annually  
1601 to the governor and a committee designated by the Legislative Management Committee no later  
1602 than the last day of October:

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

1604 (ii) the status and progress of all projects prioritized under this section.

1605 (b) Annually, before any funds are programmed and allocated from the Transit  
1606 Transportation Investment Fund created in Section 72-2-124 for each fiscal year, the executive

1607 director or the executive director's designee, along with the executive director of a large public  
1608 transit district as described in Section 17B-2a-802, shall report to the governor and a committee  
1609 designated by the Legislative Management Committee no later than the last day of October:

1610 (i) the public transit projects prioritized under this section during the year prior to the  
1611 report; and

1612 (ii) the status and progress of all public transit projects prioritized under this section.

1613 (6) The department shall annually report to the Transportation Commission on the  
1614 status of new capacity transportation projects, including projects that were funded by the  
1615 Legislature in an appropriations act.

1616 [~~(6) (a) The department may not delay a new transportation capacity project that was~~  
1617 ~~funded by the Legislature in an appropriations act to a different fiscal year than programmed by~~  
1618 ~~the commission due to an unavoidable shortfall in revenues unless the project delays are~~  
1619 ~~prioritized and approved by the Transportation Commission.]~~

1620 [~~(b) The Transportation Commission shall prioritize and approve any new~~  
1621 ~~transportation capacity project delays for projects that were funded by the Legislature in an~~  
1622 ~~appropriations act due to an unavoidable shortfall in revenues.]~~

1623 Section 16. Section 72-2-106 is amended to read:

1624 **72-2-106. Appropriation and transfers from Transportation Fund.**

1625 (1) On and after July 1, 1981, there is appropriated from the Transportation Fund to the  
1626 use of the department an amount equal to two-elevenths of the taxes collected from the motor  
1627 fuel tax and the special fuel tax, exclusive of the formula amount appropriated for class B and  
1628 class C roads, to be used for highway rehabilitation.

1629 (2) For a fiscal year beginning on or after July 1, 2016, the Division of Finance shall  
1630 annually transfer an amount equal to the amount of revenue generated by a tax imposed on  
1631 motor and special fuel that is sold, used, or received for sale or used in this state at a rate of 1.8  
1632 cents per gallon to the Transportation Investment Fund of 2005 created by Section 72-2-124.

1633 (3) For a fiscal year beginning on or after July 1, 2019, the Division of Finance shall  
1634 annually transfer to the Transportation Investment Fund of 2005 created by Section 72-2-124  
1635 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1636 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1637 or use in this state that exceeds 29.4 cents per gallon.

1638           (4) For purposes of the calculation described in Subsection 59-12-103(7)(c), the  
1639 Division of Finance shall notify the State Tax Commission of the amount of any transfer made  
1640 under Subsections (2) and (3).

1641           Section 17. Section **72-2-107** is amended to read:

1642           **72-2-107. Appropriation from Transportation Fund -- Apportionment for class B**  
1643 **and class C roads.**

1644           (1) There is appropriated to the department from the Transportation Fund annually an  
1645 amount equal to 30% of an amount which the director of finance shall compute in the  
1646 following manner: The total revenue deposited into the Transportation Fund during the fiscal  
1647 year from state highway-user taxes and fees, minus those amounts appropriated or transferred  
1648 from the Transportation Fund during the same fiscal year to:

1649           (a) the Department of Public Safety;

1650           (b) the State Tax Commission;

1651           (c) the Division of Finance;

1652           (d) the Utah Travel Council;

1653           (e) except as provided in Section 72-1-213.2, the road usage charge program created in  
1654 Section 72-1-213.1; and

1655           (f) any other amounts appropriated or transferred for any other state agencies not a part  
1656 of the department.

1657           (2) (a) Except as provided in Subsections (2)(b) and (c), all of the money appropriated  
1658 in Subsection (1) shall be apportioned among counties and municipalities for class B and class  
1659 C roads as provided in this title.

1660           (b) The department shall annually transfer \$500,000 of the amount calculated under  
1661 Subsection (1) to the State Park Access Highways Improvement Program created in Section  
1662 72-3-207.

1663           (c) Administrative costs of the department to administer class B and class C roads shall  
1664 be paid from funds calculated under Subsection (1).

1665           (3) Each quarter of every year the department shall make the necessary accounting  
1666 entries to transfer the money appropriated under this section for class B and class C roads.

1667           (4) The funds appropriated for class B and class C roads shall be expended under the  
1668 direction of the department as the Legislature shall provide.

1669 Section 18. Section **72-2-123** is amended to read:

1670 **72-2-123. Rules adopting guidelines -- Partnering to finance state highway**  
1671 **capacity improvements -- Partnering proposals.**

1672 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1673 commission, in consultation with representatives of local government, shall make rules  
1674 adopting guidelines for partnering with counties and municipalities for their help to finance  
1675 state highway improvement projects through:

1676 (a) local matching dollars; [~~or~~]

1677 (b) agreements regarding new revenue a county or municipality expects will be  
1678 generated as a result of the construction of a state highway improvement project; or

1679 [~~(b)~~] (c) other local participation methods.

1680 (2) The guidelines described in Subsection (1) shall encourage partnering to help  
1681 finance state highway improvement projects and provide for:

1682 (a) the consideration of factors relevant to a decision to make a program adjustment  
1683 including the potential to:

1684 (i) extend department resources to other needed projects;

1685 (ii) alleviate significant existing or future congestion or hazards to the traveling public;

1686 and

1687 (iii) address a need that is widely recognized by the public, elected officials, and  
1688 transportation planners;

1689 (b) a process for submitting, evaluating, and hearing partnering proposals; and

1690 (c) [~~keeping~~] the creation of a public record of each proposal from initial submission to  
1691 final disposition.

1692 (3) The commission shall submit the proposed rules under this section to a committee  
1693 or task force designated by the Legislative Management Committee for review prior to taking  
1694 final action on the proposed rules or any proposed amendment to the rules.

1695 Section 19. Section **72-2-124** is amended to read:

1696 **72-2-124. Transportation Investment Fund of 2005.**

1697 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1698 of 2005.

1699 (2) The fund consists of money generated from the following sources:

- 1700 (a) any voluntary contributions received for the maintenance, construction,  
1701 reconstruction, or renovation of state and federal highways;
- 1702 (b) appropriations made to the fund by the Legislature;
- 1703 (c) registration fees designated under Section 41-1a-1201;
- 1704 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1705 59-12-103; and
- 1706 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 1707 (3) (a) The fund shall earn interest.
- 1708 (b) All interest earned on fund money shall be deposited into the fund.
- 1709 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
1710 fund money to pay:
- 1711 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1712 federal highways prioritized by the Transportation Commission through the prioritization  
1713 process for new transportation capacity projects adopted under Section 72-1-304;
- 1714 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1715 projects described in Subsections 63B-18-401(2), (3), and (4);
- 1716 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
1717 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
1718 with Subsection 72-2-121(4)(e);
- 1719 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1720 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
1721 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
1722 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
- 1723 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
1724 for projects prioritized in accordance with Section 72-2-125;
- 1725 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1726 the Centennial Highway Fund created by Section 72-2-118;
- 1727 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
1728 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described  
1729 in Section 72-2-121;
- 1730 (viii) if a political subdivision provides a contribution equal to or greater than 40% of



1731 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved  
1732 nonmotorized transportation for projects that:

- 1733 (A) mitigate traffic congestion on the state highway system;
- 1734 (B) are part of an active transportation plan approved by the department; and
- 1735 (C) are prioritized by the commission through the prioritization process for new  
1736 transportation capacity projects adopted under Section [72-1-304](#);
- 1737 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,  
1738 reconstruction, or renovation of or improvement to the following projects:

- 1739 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
- 1740 (B) Geneva Road from University Parkway to 1800 South;
- 1741 (C) the SR-97 interchange at 5600 South on I-15;
- 1742 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 1743 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1744 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1745 (G) widening I-15 between mileposts 6 and 8;
- 1746 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1747 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in  
1748 Spanish Fork Canyon;
- 1749 (J) I-15 northbound between mileposts 43 and 56;
- 1750 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43  
1751 and 45.1;
- 1752 (L) east Zion SR-9 improvements;
- 1753 (M) Toquerville Parkway;
- 1754 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1755 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for  
1756 construction of an interchange on Bangerter Highway at 13400 South; and
- 1757 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1758 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project  
1759 costs based upon a statement of cash flow that the local jurisdiction where the project is located  
1760 provides to the department demonstrating the need for money for the project, for the following  
1761 projects in the following amounts:

1762 (A) \$5,000,000 for Payson Main Street repair and replacement;  
1763 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;  
1764 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and  
1765 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40  
1766 between mile markers 7 and 10.

1767 (b) The executive director may use fund money to exchange for an equal or greater  
1768 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1769 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of  
1770 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director  
1771 may not program fund money to a project prioritized by the commission under Section  
1772 72-1-304, including fund money from the Transit Transportation Investment Fund, within the  
1773 boundaries of the municipality during the fiscal year specified in the notice.

1774 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
1775 executive director:

1776 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1777 facility or interchange connecting limited-access facilities;

1778 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1779 an interchange on a limited-access facility;

1780 (iii) may program Transit Transportation Investment Fund money for a  
1781 multi-community fixed guideway public transportation project; and

1782 (iv) may not program Transit Transportation Investment Fund money for the  
1783 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1784 transportation project.

1785 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive  
1786 director before July 1, 2022, for projects prioritized by the commission under Section  
1787 72-1-304.

1788 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
1789 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
1790 not program fund money to a project prioritized by the commission under Section 72-1-304,  
1791 including fund money from the Transit Transportation Investment Fund, within the boundaries  
1792 of the unincorporated area of the county during the fiscal year specified in the notice.

- 1793 (b) Within the boundaries of the unincorporated area of a county described in  
1794 Subsection (6)(a), the executive director:
- 1795 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1796 facility to a project prioritized by the commission under Section 72-1-304;
- 1797 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1798 an interchange on a limited-access facility;
- 1799 (iii) may program Transit Transportation Investment Fund money for a  
1800 multi-community fixed guideway public transportation project; and
- 1801 (iv) may not program Transit Transportation Investment Fund money for the  
1802 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1803 transportation project.
- 1804 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
1805 director before July 1, 2022, for projects prioritized by the commission under Section  
1806 72-1-304.
- 1807 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued  
1808 in any fiscal year, the department and the commission shall appear before the Executive  
1809 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1810 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1811 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.
- 1812 (b) The Executive Appropriations Committee of the Legislature shall review and  
1813 comment on the amount of bond proceeds needed to fund the projects.
- 1814 (8) The Division of Finance shall, from money deposited into the fund, transfer the  
1815 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
1816 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or  
1817 sinking fund.
- 1818 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1819 Transportation Investment Fund.
- 1820 (b) The fund shall be funded by:
- 1821 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 1822 (ii) appropriations into the account by the Legislature;
- 1823 (iii) deposits of sales and use tax increment related to a housing and transit

1824 reinvestment zone as described in Section 63N-3-610;

1825 (iv) private contributions; and

1826 (v) donations or grants from public or private entities.

1827 (c) (i) The fund shall earn interest.

1828 (ii) All interest earned on fund money shall be deposited into the fund.

1829 (d) Subject to Subsection (9)(e), the [~~Legislature may appropriate~~] commission may  
1830 prioritize money from the fund:

1831 (i) for public transit capital development of new capacity projects and fixed guideway  
1832 capital development projects to be used as prioritized by the commission through the  
1833 prioritization process adopted under Section 72-1-304; or

1834 [~~(ii) for development of the oversight plan described in Section 72-1-202(5); or~~]

1835 [~~(iii)~~] (ii) to the department for oversight of a fixed guideway capital development  
1836 project for which the department has responsibility.

1837 (e) (i) The [~~Legislature~~] commission may only [~~appropriate~~] prioritize money from the  
1838 fund for a public transit capital development project or pedestrian or nonmotorized  
1839 transportation project that provides connection to the public transit system if the public transit  
1840 district or political subdivision provides funds of equal to or greater than 40% of the costs  
1841 needed for the project.

1842 (ii) A public transit district or political subdivision may use money derived from a loan  
1843 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
1844 part of the 40% requirement described in Subsection (9)(e)(i) if:

1845 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1846 State Infrastructure Bank Fund; and

1847 (B) the proposed capital project has been prioritized by the commission pursuant to  
1848 Section 72-1-303.

1849 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
1850 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15  
1851 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and  
1852 trainsets for regional public transit rail systems.

1853 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
1854 Cottonwood Canyons Transportation Investment Fund.

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

- 1886 (2) (a) The fund consists of money generated from the following revenue sources:
- 1887 (i) appropriations made to the fund by the Legislature;
- 1888 (ii) federal money and grants that are deposited [in] into the fund;
- 1889 (iii) money transferred to the fund by the commission from other money available to
- 1890 the department;
- 1891 (iv) state grants that are deposited [in] into the fund;
- 1892 (v) contributions or grants from any other private or public sources for deposit into the
- 1893 fund; and
- 1894 (vi) subject to Subsection (2)(b), all money collected from repayments of fund money
- 1895 used for infrastructure loans or infrastructure assistance.
- 1896 (b) When a loan from the fund is repaid, the department may request and the
- 1897 Legislature may transfer from the fund to the source from which the money originated an
- 1898 amount equal to the repaid loan.
- 1899 (3) (a) The fund shall earn interest.
- 1900 (b) All interest earned on fund money shall be deposited into the fund.
- 1901 (4) Money in the fund shall be used by the department, as prioritized by the
- 1902 commission, only to:
- 1903 (a) provide infrastructure loans or infrastructure assistance; and
- 1904 (b) pay the department for the costs of administering the fund, providing infrastructure
- 1905 loans or infrastructure assistance, monitoring transportation projects and publicly owned
- 1906 infrastructure projects, and obtaining repayments of infrastructure loans or infrastructure
- 1907 assistance.
- 1908 (5) (a) The department may establish separate accounts in the fund for infrastructure
- 1909 loans, infrastructure assistance, administrative and operating expenses, or any other purpose to
- 1910 implement this part.
- 1911 (b) The department shall establish a separate account in the fund for infrastructure
- 1912 loans for publicly owned infrastructure projects in greenfield areas that are located no less than
- 1913 one mile from an existing municipal or county:
- 1914 (i) water supply;
- 1915 (ii) water distribution facility; or
- 1916 (iii) wastewater facility.

1917 (c) Prioritization of infrastructure loans described in Subsection (5)(b) shall follow the  
1918 same process as described in Section 72-2-203.

1919 ~~[(b)]~~ (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1920 Act, the department may make rules governing how the fund and its accounts may be held by  
1921 an escrow agent.

1922 (6) Fund money shall be invested by the state treasurer as provided in Title 51, Chapter  
1923 7, State Money Management Act, and the earnings from the investments shall be credited to the  
1924 fund.

1925 (7) Before July 1, 2022, the department shall transfer the loan described in Subsection  
1926 63B-27-101(3)(a)(i) from the State Infrastructure Bank Fund to the military development  
1927 infrastructure revolving loan fund created in Section 63A-3-402.

1928 Section 21. Section 72-5-102 is amended to read:

1929 **72-5-102. Definitions.**

1930 As used in this part, "state transportation purposes" includes:

1931 (1) highway, public transit facility, and transportation rights-of-way, including those  
1932 necessary within cities and towns;

1933 (2) the construction, reconstruction, relocation, improvement, maintenance, and  
1934 mitigation from the effects of these activities on state highways and other transportation  
1935 facilities, including parking facilities, under the control of the department;

1936 (3) limited access facilities, including rights of access, air, light, and view and frontage  
1937 and service roads to highways;

1938 (4) adequate drainage in connection with any highway, cut, fill, or channel change and  
1939 the maintenance of any highway, cut, fill, or channel change;

1940 (5) weighing stations, shops, offices, storage buildings and yards, and road  
1941 maintenance or construction sites;

1942 (6) road material sites, sites for the manufacture of road materials, and access roads to  
1943 the sites;

1944 (7) the maintenance of an unobstructed view of any portion of a highway to promote  
1945 the safety of the traveling public;

1946 (8) the placement of traffic signals, directional signs, and other signs, fences, curbs,  
1947 barriers, and obstructions for the convenience of the traveling public;

1948 (9) the construction and maintenance of storm sewers, sidewalks, and highway  
1949 illumination;

1950 (10) the construction and maintenance of livestock highways;

1951 (11) the construction and maintenance of roadside rest areas adjacent to or near any  
1952 highway; and

1953 (12) the mitigation of impacts from transportation projects.

1954 Section 22. Section **72-5-114** is amended to read:

1955 **72-5-114. Property acquired in advance of construction -- Lease or rental.**

1956 (1) (a) The department may acquire real property or interests or improvements in real  
1957 property in advance of the actual construction, reconstruction, or improvement of highways or  
1958 public transit facilities in order to save on acquisition costs or avoid the payment of excessive  
1959 damages.

1960 (b) The real property or interests or improvements in real property may be leased or  
1961 rented by the department in a manner, for a period of time, and for a sum determined by the  
1962 department to be in the best interest of the state.

1963 (2) (a) The department may employ private agencies to manage rental properties when  
1964 it is more economical and in the best interests of the state.

1965 (b) All money received for leases and rentals, after deducting any portion to which the  
1966 federal government may be entitled, shall be deposited with the state treasurer and credited to  
1967 the Transportation Fund.

1968 Section 23. Section **72-6-112.5** is amended to read:

1969 **72-6-112.5. Definitions -- Nighttime highway construction noise -- Exemptions --**  
1970 **Permits.**

1971 (1) As used in this section:

1972 (a) "Commuter rail" means the same as that term is defined in Section [63N-3-602](#).

1973 [~~(a)~~] (b) (i) "Front row receptor" means a noise-sensitive residential receptor that is:

1974 (A) immediately adjacent to a transportation facility; or

1975 (B) within 800 feet of a transportation facility that is within a commercial or  
1976 industrialized area.

1977 (ii) "Front row receptor" includes a residence that is contiguous to a property  
1978 immediately adjacent to a transportation facility in a residential area.



1979            ~~[(b)]~~ (c) "Nighttime ~~[highway]~~ construction" means highway or public transit facility  
1980 construction occurring between the hours of 10:00 p.m. and 7:00 a.m.

1981            ~~[(c)]~~ (d) "Nuisance" means the same as that term is defined in Section [78B-6-1101](#).

1982            ~~[(d)]~~ (e) (i) "Permitted activities" means activities occurring between the hours of 7:00  
1983 p.m. and 7:00 a.m. that are related to and necessary for nighttime ~~[highway]~~ construction,  
1984 whether occurring at the construction site or at a gravel pit or other site for production of raw  
1985 materials, and includes:

1986            (A) loading and unloading of trucks;

1987            (B) asphalt mixing and hauling; and

1988            (C) concrete mixing and hauling.

1989            (ii) "Permitted activities" does not include:

1990            (A) blasting; or

1991            (B) crushing.

1992            ~~[(2) A state highway construction project conducted on a road where the normal posted~~  
1993 ~~speed limit is 55 miles per hour or greater is exempt from any noise ordinance, regulation, or~~  
1994 ~~standard of a local jurisdictional authority.]~~

1995            (2) The following projects are exempt from any noise ordinance, regulation, or  
1996 standard of a local jurisdictional authority:

1997            (a) a state highway construction project conducted on a road where the normal posted  
1998 speed limit is 55 miles per hour or greater; or

1999            (b) a commuter rail construction project.

2000            ~~(3) [A state highway construction project conducted on a road where the normal posted~~  
2001 ~~speed limit is less than 55 miles per hour is]~~ Except for a project described in Subsection (2), a  
2002 state highway or a public transit facility construction project is exempt from any noise  
2003 ordinance, regulation, or standard of a local jurisdictional authority if the department:

2004            (a) provides reasonable written notice at least 48 hours in advance of any required  
2005 nighttime ~~[highway]~~ construction to each residential dwelling located within front row  
2006 receptors of the activity;

2007            (b) determines a net community, including traveler community, benefit exists to  
2008 conduct nighttime highway construction after considering the following:

2009            (i) public health;

2010 (ii) project completion time;

2011 (iii) air quality;

2012 (iv) traffic;

2013 (v) economics;

2014 (vi) safety; and

2015 (vii) local jurisdiction concerns; and

2016 (c) institutes best management noise reduction practices, as determined by the

2017 department, for front row receptors, in consultation with local government or the local

2018 jurisdictional authority for all nighttime [highway] construction, which may include:

2019 (i) equipment maintenance;

2020 (ii) noise shielding;

2021 (iii) scheduling the most noise intrusive activities during the day; and

2022 (iv) other noise mitigation methods.

2023 (4) (a) Subject to Subsection (2) or (3), a state highway project or public transit facility

2024 construction shall secure required noise permits from the local jurisdictional authority to

2025 conduct nighttime [highway] construction.

2026 (b) To the extent practical, the department shall coordinate with the local jurisdictional

2027 authority during the pre-construction phase of a project to address noise exemption conditions.

2028 (5) A local jurisdictional authority shall issue a nighttime [highway] construction

2029 permit limited to permitted activities if:

2030 (a) the applicant provides evidence that the permitted activities are directly related to

2031 and necessary for a nighttime [highway] construction project for which the department has

2032 obtained a noise permit from a local jurisdictional authority pursuant to Subsection (4); and

2033 (b) the local jurisdictional authority determines that any nuisance that may be caused

2034 by the nighttime [highway] construction may be reasonably mitigated.

2035 (6) A local jurisdictional authority shall issue a nighttime [highway] construction noise

2036 permit without additional requirements to the department at the request of the department or

2037 the department's designated project agent if the requirements of [~~Subsections (2) and~~]

2038 Subsection (2) or (3) are met.

2039 (7) (a) A local jurisdictional authority may request adjustments to a nighttime

2040 [highway] construction permit to mitigate unreasonable noise disturbances caused by nighttime

2041 [~~highway~~] construction or permitted activities.

2042 (b) If adjustments are requested as described in Subsection (7)(a), the nighttime  
2043 [~~highway~~] construction permit holder shall use best management noise reduction practices to  
2044 mitigate unreasonable noise disturbances.

2045 (8) (a) For the exemption provided in Subsection (3) and in accordance with Title 63G,  
2046 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing  
2047 procedures:

2048 (i) for a local jurisdictional authority or local government to appeal the decision of the  
2049 department to conduct nighttime [~~highway~~] construction [~~on roads where the normal posted~~  
2050 ~~speed limit is less than 55 miles per hour~~]; and

2051 (ii) for the local jurisdictional authority to request that the department enforce the terms  
2052 of a noise permit.

2053 (b) After review and upon receiving a written notice from a local jurisdictional  
2054 authority that the conditions for the noise exemption permit are not met, the department shall  
2055 take corrective action to ensure nighttime [~~highway~~] construction activities meet requirements  
2056 of the local permit.

2057 Section 24. Section **72-14-103** is amended to read:

2058 **72-14-103. Preemption of local ordinance.**

2059 (1) A political subdivision of the state, or an entity within a political subdivision of the  
2060 state, may not enact a law, ordinance, or rule governing the private use of an unmanned aircraft  
2061 or the private use of an advanced air mobility system, unless:

2062 (a) authorized by this chapter; or

2063 (b) the political subdivision or entity is an airport operator that enacts the law, rule, or  
2064 ordinance to govern:

2065 (i) the operation of an unmanned aircraft or an advanced air mobility system within the  
2066 geographic boundaries of the airport over which the airport operator has authority; or

2067 (ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an  
2068 advanced air mobility system at the airport over which the airport operator has authority.

2069 (2) (a) A political subdivision may not create a monopoly by entering into an  
2070 agreement to grant or permit an exclusive right to one or more vertiport owners as the only  
2071 vertiport owners or operators within the boundary of the political subdivision.

2072            (b) Subsection (2)(a) does not preclude a political subdivision from granting a permit  
2073 or right to a vertiport owner or operator if only one owner or operator applies for a permit in  
2074 that political subdivision.

2075            (3) Notwithstanding Subsection (2), if a political subdivision issues a permit to a  
2076 vertiport owner or operator, the vertiport owner or operator may exclude other users from using  
2077 the owner's or operator's vertiport.

2078            [~~2~~] (4) This chapter supersedes any law, ordinance, or rule enacted by a political  
2079 subdivision of the state before July 1, [2017] 2022.

2080            Section 25. Section **72-16-102** is amended to read:

2081            **72-16-102. Definitions.**

2082            As used in this chapter:

2083            (1) "Account" means the Amusement Ride Safety Restricted Account created in  
2084 Section [72-16-204](#).

2085            (2) (a) "Amusement park" means a permanent indoor or outdoor facility or park where  
2086 one or more amusement rides are available for use by the general public.

2087            (b) "Amusement park" does not include a traveling show, carnival, or public  
2088 fairground.

2089            (3) (a) "Amusement ride" means a device or combination of devices or elements that  
2090 carries or conveys one or more riders along, around, or over a fixed or restricted route or course  
2091 or allows the riders to steer or guide the device within an established area for the purpose of  
2092 giving the riders amusement, pleasure, thrills, or excitement.

2093            (b) "Amusement ride" does not include:

2094            (i) a coin-operated ride that:

2095            (A) is manually, mechanically, or electrically operated;

2096            (B) is customarily placed in a public location; and

2097            (C) does not normally require the supervision or services of an operator;

2098            (ii) nonmechanized playground equipment, including a swing, seesaw, stationary  
2099 spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide,  
2100 trampoline, or physical fitness device;

2101            (iii) an inflatable device;

2102            (iv) a water-based recreational attraction where complete or partial immersion is

- 2103 intended, including a water slide, wave pool, or water park;
- 2104 (v) a challenge, exercise, or obstacle course;
- 2105 (vi) a passenger ropeway as defined in Section [72-11-102](#);
- 2106 (vii) a device or attraction that involves one or more live animals;
- 2107 (viii) a tractor ride or wagon ride; ~~or~~
- 2108 (ix) motion seats in a movie theater for which the manufacturer does not require a
- 2109 restraint[-]; or
- 2110 (x) a zip line.
- 2111 (4) "Committee" means the Utah Amusement Ride Safety Committee created in
- 2112 Section [72-16-201](#).
- 2113 (5) "Director" means the director of the committee, hired under Section [72-16-202](#).
- 2114 (6) "Mobile amusement ride" means an amusement ride that is:
- 2115 (a) designed or adapted to be moved from one location to another;
- 2116 (b) not fixed at a single location; and
- 2117 (c) relocated at least once each calendar year.
- 2118 (7) "Operator" means the individual who controls the starting, stopping, or speed of an
- 2119 amusement ride.
- 2120 (8) "Owner-operator" means the person who has control over and responsibility for the
- 2121 maintenance, setup, and operation of an amusement ride.
- 2122 (9) "Permanent amusement ride" means an amusement ride that is not a mobile
- 2123 amusement ride.
- 2124 (10) "Qualified safety inspector" means an individual who holds a valid qualified
- 2125 safety inspector certification.
- 2126 (11) "Qualified safety inspector certification" means a certification issued by the
- 2127 director under Section [72-16-303](#).
- 2128 (12) "Reportable serious injury" means an injury to a rider that:
- 2129 (a) occurs when there is a failure or malfunction of an amusement ride; and
- 2130 (b) results in death, dismemberment, permanent disfigurement, permanent loss of the
- 2131 use of a body organ, member, function, or system, or a compound fracture.
- 2132 (13) "Safety inspection certification" means a written document that:
- 2133 (a) is signed by a qualified safety inspector certifying that:

2134 (i) the qualified safety inspector performed an in-person inspection of an amusement  
2135 ride to check compliance with the safety standards described in Section 72-16-304 and  
2136 established by rule; and

2137 (ii) at the time the qualified safety inspector performed the in-person inspection, the  
2138 amusement ride:

2139 (A) was set up for use by the general public; and

2140 (B) satisfied the safety standards described in Section 72-16-304 and established by  
2141 rule; and

2142 (b) includes the date on which the qualified safety inspector performed the in-person  
2143 inspection.

2144 (14) "Serious injury" means an injury to a rider that:

2145 (a) occurs when there is a failure or malfunction of an amusement ride; and

2146 (b) requires immediate admission to a hospital and overnight hospitalization and  
2147 observation by a licensed physician.

2148 Section 26. **Effective date.**

2149 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

2150 (2) If approved by two-thirds of all the members elected to each house, the amendments  
2151 to Section 72-16-102 in this bill take effect upon approval by the governor, or the day  
2152 following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the  
2153 governor's signature, or in the case of a veto, the date of veto override.

2154 Section 27. **Coordinating S.B. 185 with S.B. 24 and S.B. 161 -- Substantive and**  
2155 **technical amendments.**

2156 If this S.B. 185 and S.B. 24, Advanced Air Mobility Amendments, and S.B. 161,  
2157 Advanced Air Mobility Revisions, all pass and become law, it is the intent of the Legislature  
2158 that the Office of Legislative Research and General Counsel, in preparing the Utah Code  
2159 database for publication, amend Section 72-10-701 in S.B. 24 to read:

2160 "(1) As used in this section, "advanced air mobility business" means a business that  
2161 operates an unmanned aircraft system or an advanced air mobility system for a commercial  
2162 purpose that is required to obtain a certificate pursuant to 14 C.F.R. Part 107 or 135.

2163 ~~[(1)]~~ (2) A political subdivision of the state, or an entity within a political subdivision  
2164 of the state, may not enact a law, ordinance, or rule governing the private use of an unmanned

2165 aircraft or the private use of an advanced air mobility system, unless:

2166 (a) authorized by this chapter; or

2167 (b) the political subdivision or entity is an airport operator that enacts the law, rule, or  
2168 ordinance to govern:

2169 (i) the operation of an unmanned aircraft or an advanced air mobility system within the  
2170 geographic boundaries of the airport over which the airport operator has authority; or

2171 (ii) the takeoff or landing of an unmanned aircraft or an aircraft operated as part of an  
2172 advanced air mobility system at the airport over which the airport operator has authority.

2173 (3) (a) Subject to the provisions of this chapter, a political subdivision may require an  
2174 advanced air mobility business to obtain a business license if the advanced air mobility  
2175 business does not hold a current business license in good standing from another political  
2176 subdivision in the state.

2177 (b) A political subdivision may only charge a licensing fee to an advanced air mobility  
2178 business in an amount that reimburses the political subdivision for the actual cost of processing  
2179 the business license.

2180 (4) A political subdivision may not require an advanced air mobility business to:

2181 (a) obtain a separate business license beyond the initial business license described in  
2182 Subsection (3)(a);

2183 (b) pay a fee other than the fee for the initial business license described in Subsection  
2184 (3); or

2185 (c) pay a fee for each employee the advanced air mobility business employs.

2186 (5) A political subdivision shall provide a reasonable accommodation to an advanced  
2187 air mobility business with regard to any regulation or restriction on the size of the business.

2188 (6) A political subdivision shall recognize as valid within the political subdivision the  
2189 business license of an advanced air mobility business obtained in another political subdivision  
2190 within the state, if the business license is current and in good standing.

2191 (7) (a) A political subdivision may not create a monopoly by entering into an  
2192 agreement to grant or permit an exclusive right to one or more vertiport owners as the only  
2193 vertiport owners or operators within the boundary of the political subdivision.

2194 (b) Subsection (7)(a) does not preclude a political subdivision from granting a permit  
2195 or right to a vertiport owner or operator if only one owner or operator applies for a permit in

2196 that political subdivision.

2197 (8) Notwithstanding Subsection (7), if a political subdivision issues a permit to a  
2198 vertiport owner or operator, the vertiport owner or operator may exclude other users from using  
2199 the owner's or operator's vertiport.

2200 [~~2~~] (9) This chapter supersedes any law, ordinance, or rule enacted by a political  
2201 subdivision of the state before July 1, [~~2017~~] 2022."