

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

**TRANSPORTATION AMENDMENTS**

2024 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 motor vehicles, the Department of Transportation, and highways, and makes technical corrections and changes.

**Highlighted Provisions:**

This bill:

- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;
- ▶ amends the definition of a snowmobile;
- ▶ requires the State Tax Commission to create an electronic titling system;
- ▶ prohibits the storage of flammable, explosive, or combustible materials near or beneath certain highway and public transit facilities;
- ▶ amends provisions regarding the use of certain funds for public transit studies;
- ▶ amends the descriptions of highways near certain state parks;
- ▶ amends a provision related to required matching funds to qualify for certain transportation funding to exclude projects administered by the Department of Transportation;
- ▶ amends the definition of abandoned aircraft; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15

33 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22

34 **17B-2a-808.1**, as last amended by Laws of Utah 2022, Chapter 207

35 **17B-2a-808.2**, as last amended by Laws of Utah 2023, Chapter 219

36 **17B-2a-810.1**, as enacted by Laws of Utah 2018, Chapter 424

37 **41-1a-1201**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and

38 372

39 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2

40 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88

41 **59-12-103 (Effective 07/01/24) (Contingently Superseded 01/01/25)**, as last amended

42 by Laws of Utah 2023, Chapters 22, 213, 329, 361, and 471

43 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,

44 Chapters 22, 213, 329, 361, 459, and 471

45 **59-13-103**, as last amended by Laws of Utah 2020, Chapter 373

46 **72-1-201**, as last amended by Laws of Utah 2023, Chapter 432

47 **72-1-203**, as last amended by Laws of Utah 2023, Chapters 22, 219

48 **72-1-216**, as last amended by Laws of Utah 2021, Chapter 280

49 **72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219

50 **72-2-124**, as last amended by Laws of Utah 2023, Chapters 22, 88, 219, and 529

51 **72-3-202**, as last amended by Laws of Utah 2013, Chapter 14

52 **72-3-203**, as last amended by Laws of Utah 2013, Chapter 14

53 **72-3-204**, as last amended by Laws of Utah 2013, Chapter 14

54 **72-3-205**, as last amended by Laws of Utah 2013, Chapter 14

55 **72-3-206**, as last amended by Laws of Utah 2013, Chapter 14

56 **72-6-118**, as last amended by Laws of Utah 2020, Chapter 377

- 57 [72-6-121](#), as last amended by Laws of Utah 2023, Chapter 299
- 58 [72-10-203.5](#), as enacted by Laws of Utah 2017, Chapter 301
- 59 [72-10-205.5](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 60 [72-17-101](#), as enacted by Laws of Utah 2023, Chapter 42
- 61 [72-17-102](#), as enacted by Laws of Utah 2023, Chapter 42
- 62 [77-11d-105](#), as renumbered and amended by Laws of Utah 2023, Chapter 448

63 ENACTS:

- 64 [41-1a-523](#), Utah Code Annotated 1953
- 65 [72-7-111](#), Utah Code Annotated 1953



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

68 Section 1. Section **17B-2a-804** is amended to read:

69 **17B-2a-804. Additional public transit district powers.**

70 (1) In addition to the powers conferred on a public transit district under Section  
71 [17B-1-103](#), a public transit district may:

72 (a) provide a public transit system for the transportation of passengers and their  
73 incidental baggage;

74 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),  
75 levy and collect property taxes only for the purpose of paying:

- 76 (i) principal and interest of bonded indebtedness of the public transit district; or
- 77 (ii) a final judgment against the public transit district if:

78 (A) the amount of the judgment exceeds the amount of any collectable insurance or  
79 indemnity policy; and

80 (B) the district is required by a final court order to levy a tax to pay the judgment;

81 (c) insure against:

82 (i) loss of revenues from damage to or destruction of some or all of a public transit  
83 system from any cause;

84 (ii) public liability;

85 (iii) property damage; or

86 (iv) any other type of event, act, or omission;

87 (d) subject to Section [~~72-1-202~~] [72-1-203](#) pertaining to fixed guideway capital

88 development within a large public transit district, acquire, contract for, lease, construct, own,  
89 operate, control, or use:

90 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,  
91 parking lot, or any other facility necessary or convenient for public transit service; or

92 (ii) any structure necessary for access by persons and vehicles;

93 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,  
94 equipment, service, employee, or management staff of an operator; and

95 (ii) provide for a sublease or subcontract by the operator upon terms that are in the  
96 public interest;

97 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

98 (g) accept a grant, contribution, or loan, directly through the sale of securities or  
99 equipment trust certificates or otherwise, from the United States, or from a department,  
100 instrumentality, or agency of the United States;

101 (h) study and plan transit facilities in accordance with any legislation passed by  
102 Congress;

103 (i) cooperate with and enter into an agreement with the state or an agency of the state  
104 or otherwise contract to finance to establish transit facilities and equipment or to study or plan  
105 transit facilities;

106 (j) subject to Subsection [~~17B-2a-808.1(5)~~], [17B-2a-808.1\(4\)](#), issue bonds as provided  
107 in and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the  
108 district;

109 (k) from bond proceeds or any other available funds, reimburse the state or an agency  
110 of the state for an advance or contribution from the state or state agency;

111 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available  
112 under federal law, including complying with labor standards and making arrangements for  
113 employees required by the United States or a department, instrumentality, or agency of the  
114 United States;

115 (m) sell or lease property;

116 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or  
117 transit-supportive developments;

118 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner

119 or member in a development with limited liabilities in accordance with Subsection (1)(p),  
120 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with  
121 Subsection (3), transit-oriented developments or transit-supportive developments; and

122 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a  
123 transit-oriented development or a transit-supportive development in connection with project  
124 area development as defined in Section 17C-1-102 by:

125 (i) investing in a project as a limited partner or a member, with limited liabilities; or

126 (ii) subordinating an ownership interest in real property owned by the public transit  
127 district.

128 (2) (a) A public transit district may only assist in the development of areas under  
129 Subsection (1)(p) that have been approved by the board of trustees, and in the manners  
130 described in Subsection (1)(p).

131 (b) A public transit district may not invest in a transit-oriented development or  
132 transit-supportive development as a limited partner or other limited liability entity under the  
133 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,  
134 makes an equity contribution equal to no less than 25% of the appraised value of the property  
135 to be contributed by the public transit district.

136 (c) (i) For transit-oriented development projects, a public transit district shall adopt  
137 transit-oriented development policies and guidelines that include provisions on affordable  
138 housing.

139 (ii) For transit-supportive development projects, a public transit district shall work with  
140 the metropolitan planning organization and city and county governments where the project is  
141 located to collaboratively seek to create joint plans for the areas within one-half mile of transit  
142 stations, including plans for affordable housing.

143 (d) A current board member of a public transit district to which the board member is  
144 appointed may not have any interest in the transactions engaged in by the public transit district  
145 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's  
146 fiduciary duty as a board member.

147 (3) For any transit-oriented development or transit-supportive development authorized  
148 in this section, the public transit district shall:

149 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the

150 development, including effect on:

- 151 (i) service and ridership;
- 152 (ii) regional plans made by the metropolitan planning agency;
- 153 (iii) the local economy;
- 154 (iv) the environment and air quality;
- 155 (v) affordable housing; and
- 156 (vi) integration with other modes of transportation;

157 (b) provide evidence to the public of a quantifiable positive return on investment,  
158 including improvements to public transit service; and

159 (c) coordinate with the Department of Transportation in accordance with Section  
160 ~~[72-1-202]~~ [72-2-203](#) pertaining to fixed guideway capital development and associated parking  
161 facilities within a station area plan for a transit oriented development within a large public  
162 transit district.

163 (4) For any fixed guideway capital development project with oversight by the  
164 Department of Transportation as described in Section ~~[72-1-202]~~ [72-2-203](#), a large public  
165 transit district shall coordinate with the Department of Transportation in all aspects of the  
166 project, including planning, project development, outreach, programming, environmental  
167 studies and impact statements, impacts on public transit operations, and construction.

168 (5) A public transit district may participate in a transit-oriented development only if:

- 169 (a) for a transit-oriented development involving a municipality:
  - 170 (i) the relevant municipality has developed and adopted a station area plan; and
  - 171 (ii) the municipality is in compliance with Sections [10-9a-403](#) and [10-9a-408](#) regarding
- 172 the inclusion of moderate income housing in the general plan and the required reporting
- 173 requirements; or

174 (b) for a transit-oriented development involving property in an unincorporated area of a  
175 county, the county is in compliance with Sections [17-27a-403](#) and [17-27a-408](#) regarding  
176 inclusion of moderate income housing in the general plan and required reporting requirements.

177 (6) A public transit district may be funded from any combination of federal, state,  
178 local, or private funds.

179 (7) A public transit district may not acquire property by eminent domain.

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

181           **17B-2a-806. Authority of the state or an agency of the state with respect to a**  
182 **public transit district -- Counties and municipalities authorized to provide funds to**  
183 **public transit district -- Equitable allocation of resources within the public transit**  
184 **district.**

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

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

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

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

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

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

197           (3) (a) To allocate resources and funds for development and operation of a public  
198 transit district, whether received under this section or from other sources, and subject to  
199 Section ~~[72-1-202]~~ [72-1-203](#) pertaining to fixed guideway capital development within a large  
200 public transit district, a public transit district may:

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

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

203           (b) The comptroller of a public transit district shall report the criteria and data  
204 supporting the allocation of resources and funds in the statement required in Section

205 [17B-2a-812](#).

206           Section 3. Section **17B-2a-808.1** is amended to read:

207           **17B-2a-808.1. Large public transit district board of trustees powers and duties --**  
208 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

209           (1) The powers and duties of a board of trustees of a large public transit district stated  
210 in this section are in addition to the powers and duties stated in Section [17B-1-301](#).

211           (2) The board of trustees of each large public transit district shall:

- 212 (a) hold public meetings and receive public comment;
- 213 (b) ensure that the policies, procedures, and management practices established by the  
214 public transit district meet state and federal regulatory requirements and federal grantee  
215 eligibility;
- 216 (c) [~~subject to Subsection (8);~~] create and approve an annual budget, including the  
217 issuance of bonds and other financial instruments, after consultation with the local advisory  
218 council;
- 219 (d) approve any interlocal agreement with a local jurisdiction;
- 220 (e) in consultation with the local advisory council, approve contracts and overall  
221 property acquisitions and dispositions for transit-oriented development;
- 222 (f) in consultation with constituent counties, municipalities, metropolitan planning  
223 organizations, and the local advisory council:
  - 224 (i) develop and approve a strategic plan for development and operations on at least a  
225 four-year basis; and
  - 226 (ii) create and pursue funding opportunities for transit capital and service initiatives to  
227 meet anticipated growth within the public transit district;
- 228 (g) annually report the public transit district's long-term financial plan to the State  
229 Bonding Commission;
- 230 (h) annually report the public transit district's progress and expenditures related to state  
231 resources to the Executive Appropriations Committee and the Infrastructure and General  
232 Government Appropriations Subcommittee;
  - 233 (i) annually report to the Transportation Interim Committee the public transit district's  
234 efforts to engage in public-private partnerships for public transit services;
  - 235 (j) hire, set salaries, and develop performance targets and evaluations for:
    - 236 (i) the executive director; and
    - 237 (ii) all chief level officers;
  - 238 (k) supervise and regulate each transit facility that the public transit district owns and  
239 operates, including:
    - 240 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and  
241 charges; and
    - 242 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in



243 connection with a transit facility that the district owns or controls;

244 (l) [~~subject to Subsection (4);~~] control the investment of all funds assigned to the  
245 district for investment, including funds:

246 (i) held as part of a district's retirement system; and

247 (ii) invested in accordance with the participating employees' designation or direction  
248 pursuant to an employee deferred compensation plan established and operated in compliance  
249 with Section 457 of the Internal Revenue Code;

250 (m) in consultation with the local advisory council created under Section  
251 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,  
252 Chapter 7, State Money Management Act;

253 (n) if a custodian is appointed under Subsection (3)(d), [~~and subject to Subsection (4);~~]  
254 pay the fees for the custodian's services from the interest earnings of the investment fund for  
255 which the custodian is appointed;

256 (o) (i) cause an annual audit of all public transit district books and accounts to be made  
257 by an independent certified public accountant;

258 (ii) as soon as practicable after the close of each fiscal year, submit to each of the  
259 councils of governments within the public transit district a financial report showing:

260 (A) the result of district operations during the preceding fiscal year;

261 (B) an accounting of the expenditures of all local sales and use tax revenues generated  
262 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

263 (C) the district's financial status on the final day of the fiscal year; and

264 (D) the district's progress and efforts to improve efficiency relative to the previous  
265 fiscal year; and

266 (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon  
267 request;

268 (p) report at least annually to the Transportation Commission created in Section  
269 [72-1-301](#), which report shall include:

270 (i) the district's short-term and long-range public transit plans, including the portions of  
271 applicable regional transportation plans adopted by a metropolitan planning organization  
272 established under 23 U.S.C. Sec. 134; and

273 (ii) any transit capital development projects that the board of trustees would like the

274 Transportation Commission to consider;

275 (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits  
276 that the board of trustees determines, in consultation with the local advisory council created in  
277 Section 17B-2a-808.2, to be the most critical to the success of the organization;

278 (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit  
279 reports for audits conducted in accordance with Subsection (2)(o);

280 (s) review and approve all contracts pertaining to reduced fares, and evaluate existing  
281 contracts, including review of:

282 (i) how negotiations occurred;

283 (ii) the rationale for providing a reduced fare; and

284 (iii) identification and evaluation of cost shifts to offset operational costs incurred and  
285 impacted by each contract offering a reduced fare;

286 (t) in consultation with the local advisory council, develop and approve other board  
287 policies, ordinances, and bylaws; and

288 (u) review and approve any:

289 (i) contract or expense exceeding \$200,000; or

290 (ii) proposed change order to an existing contract if the change order:

291 (A) increases the total contract value to \$200,000 or more;

292 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or

293 (C) has a total change order value of \$200,000 or more.

294 (3) A board of trustees of a large public transit district may:

295 (a) subject to Subsection [~~5~~] (4), make and pass ordinances, resolutions, and orders  
296 that are:

297 (i) not repugnant to the United States Constitution, the Utah Constitution, or the  
298 provisions of this part; and

299 (ii) necessary for:

300 (A) the governance and management of the affairs of the district;

301 (B) the execution of district powers; and

302 (C) carrying into effect the provisions of this part;

303 (b) provide by resolution, under terms and conditions the board considers fit, for the  
304 payment of demands against the district without prior specific approval by the board, if the

305 payment is:

- 306 (i) for a purpose for which the expenditure has been previously approved by the board;
- 307 (ii) in an amount no greater than the amount authorized; and
- 308 (iii) approved by the executive director or other officer or deputy as the board

309 prescribes;

310 (c) in consultation with the local advisory council created in Section 17B-2a-808.2:

- 311 (i) hold public hearings and subpoena witnesses; and
- 312 (ii) appoint district officers to conduct a hearing and require the officers to make
- 313 findings and conclusions and report them to the board; and

314 (d) appoint a custodian for the funds and securities under its control, subject to  
315 Subsection (2)(n).

316 ~~[(4) For a large public transit district in existence as of May 8, 2018, on or before~~  
317 ~~September 30, 2019, the board of trustees of a large public transit district shall present a report~~  
318 ~~to the Transportation Interim Committee regarding retirement benefits of the district,~~  
319 ~~including:]~~

320 ~~[(a) the feasibility of becoming a participating employer and having retirement benefits~~  
321 ~~of eligible employees and officials covered in applicable systems and plans administered under~~  
322 ~~Title 49, Utah State Retirement and Insurance Benefit Act;]~~

323 ~~[(b) any legal or contractual restrictions on any employees that are party to a~~  
324 ~~collectively bargained retirement plan; and]~~

325 ~~[(c) a comparison of retirement plans offered by the large public transit district and~~  
326 ~~similarly situated public employees, including the costs of each plan and the value of the~~  
327 ~~benefit offered.]~~

328 ~~[(5)]~~ (4) The board of trustees may not issue a bond unless the board of trustees has  
329 consulted and received approval from the State Finance Review Commission created in Section  
330 63C-25-201.

331 ~~[(6)]~~ (5) A member of the board of trustees of a large public transit district or a hearing  
332 officer designated by the board may administer oaths and affirmations in a district investigation  
333 or proceeding.

334 ~~[(7)]~~ (6) (a) The vote of the board of trustees on each ordinance or resolution shall be  
335 by roll call vote with each affirmative and negative vote recorded.

336 (b) The board of trustees of a large public transit district may not adopt an ordinance  
337 unless it is introduced at least 24 hours before the board of trustees adopts it.

338 (c) Each ordinance adopted by a large public transit district's board of trustees shall  
339 take effect upon adoption, unless the ordinance provides otherwise.

340 ~~[(8)(a) For a large public transit district in existence on May 8, 2018, for the budget~~  
341 ~~for calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual~~  
342 ~~budget.]~~

343 ~~[(b) The budget described in Subsection (8)(a) shall include setting the salary of each~~  
344 ~~of the members of the board of trustees that will assume control on or before November 1,~~  
345 ~~2018, which salary may not exceed \$150,000, plus additional retirement and other standard~~  
346 ~~benefits, as set by the local advisory council as described in Section 17B-2a-808.2.]~~

347 ~~[(c) For a large public transit district in existence on May 8, 2018, the board of trustees~~  
348 ~~that assumes control of the large public transit district on or before November 2, 2018, shall~~  
349 ~~approve the calendar year 2019 budget on or before December 31, 2018.]~~

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

351 **17B-2a-808.2. Large public transit district local advisory council -- Powers and**  
352 **duties.**

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

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

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

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

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

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

366 (iii) The council of governments of Utah County shall appoint two members to the

367 local advisory council.

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

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

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

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

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

379 (ii) reviewing, approving, and recommending final adoption by the board of trustees of  
380 the large public transit district service plans at least every two and one-half years;

381 (iii) except for a fixed guideway capital development project under the authority of the  
382 Department of Transportation as described in Section [~~72-1-202~~] [72-1-203](#), reviewing,  
383 approving, and recommending final adoption by the board of trustees of project development  
384 plans, including funding, of all new capital development projects;

385 (iv) reviewing, approving, and recommending final adoption by the board of trustees of  
386 any plan for a transit-oriented development where a large public transit district is involved;

387 (v) at least annually, engaging with the safety and security team of the large public  
388 transit district to ensure coordination with local municipalities and counties;

389 (vi) assisting with coordinated mobility and constituent services provided by the public  
390 transit district;

391 (vii) representing and advocating the concerns of citizens within the public transit  
392 district to the board of trustees; and

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

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

397 (5) The local advisory council shall meet at least quarterly with and consult with the

398 board of trustees and advise regarding the operation and management of the public transit  
399 district.

400 Section 5. Section **17B-2a-810.1** is amended to read:

401 **17B-2a-810.1. Attorney general as legal counsel for a large public transit district**  
402 **-- Large public transit district may sue and be sued.**

403 (1) [~~Subject to Subsection (2), in~~] In accordance with Title 67, Chapter 5, Attorney  
404 General, the Utah attorney general shall serve as legal counsel for a large public transit district.

405 [~~(2)(a) For any large public transit district in existence as of May 8, 2018, the~~  
406 ~~transition to legal representation by the Utah attorney general shall occur as described in this~~  
407 ~~Subsection (2), but no later than July 1, 2019.~~]

408 [~~(b)(i) For any large public transit district in existence as of May 8, 2018, in~~  
409 ~~partnership with the Utah attorney general, the board of trustees of the large public transit~~  
410 ~~district shall study and develop a strategy to transition legal representation from a general~~  
411 ~~counsel to the Utah attorney general.~~]

412 [~~(ii) In partnership with the Utah attorney general, the board of trustees of the large~~  
413 ~~public transit district shall present a report to the Transportation Interim Committee before~~  
414 ~~November 30, 2018, to:~~]

415 [~~(A) outline the transition strategy; and~~]

416 [~~(B) request any legislation that might be required for the transition.~~]

417 [~~(3)~~] (2) Sections [67-5-6](#) through [~~13, Attorney General Career Service Act,~~] [67-5-13](#)  
418 apply to representation of a large public transit district by the Utah attorney general.

419 [~~(4)~~] (3) A large public transit district may sue, and it may be sued only on written  
420 contracts made by it or under its authority.

421 [~~(5)~~] (4) In all matters requiring legal advice in the performance of the attorney  
422 general's duties and in the prosecution or defense of any action growing out of the performance  
423 of the attorney general's duties, the attorney general is the legal adviser of a large public transit  
424 district and shall perform any and all legal services required by the large public transit district.

425 [~~(6)~~] (5) The attorney general shall aid in any investigation, hearing, or trial under the  
426 provisions of this part and institute and prosecute actions or proceedings for the enforcement of  
427 the provisions of the Constitution and statutes of this state or any rule or ordinance of the large  
428 public transit district affecting and related to public transit, persons, and property.

429 Section 6. Section **41-1a-523** is enacted to read:

430 **41-1a-523. Electronic titling.**

431 (1) The commission shall develop and establish an electronic titling system to process  
432 a vehicle title through electronic means.

433 (2) The commission shall ensure that the electronic titling system is available:

434 (a) for a dealer, no later than December 31, 2025; and

435 (b) for an individual who is not a dealer, no later than December 31, 2026.

436 (3) The commission shall ensure that the electronic titling system:

437 (a) allows all parties to a sale or transfer of a vehicle to transfer a vehicle title by  
438 electronic means;

439 (b) allows a lienholder to attach or release a lien; and

440 (c) provides a vehicle title in a secure, digital form.

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

442 **41-1a-1201. Disposition of fees.**

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

445 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections  
446 [41-1a-1205](#), [41-1a-1220](#), [41-1a-1221](#), [41-1a-1222](#), [41-1a-1223](#), and [41-1a-1603](#), all fees  
447 collected under this part shall be deposited into the Transportation Fund.

448 (3) Funds generated under Subsections [41-1a-1211](#)(1)(b)(ii), (6)(b)(ii), (7), and (9), and  
449 Section [41-1a-1212](#) shall be deposited into the License Plate Restricted Account created in  
450 Section [41-1a-122](#).

451 (4) (a) Except as provided in Subsections (3) and (4)(b) and Section [41-1a-1205](#), the  
452 expenses of the commission in enforcing and administering this part shall be provided for by  
453 legislative appropriation from the revenues of the Transportation Fund.

454 (b) Three dollars of the registration fees imposed under Subsections [41-1a-1206](#)(2)(a)  
455 and (b) for each vehicle registered for a six-month registration period under Section  
456 [41-1a-215.5](#) may be used by the commission to cover the costs incurred in enforcing and  
457 administering this part.

458 (c) Fifty cents of the registration fee imposed under Subsection [41-1a-1206](#)(1)(i) for  
459 each vintage vehicle that has a model year of [~~1981~~] 1983 or newer may be used by the

460 commission to cover the costs incurred in enforcing and administering this part.

461 (5) (a) The following portions of the registration fees imposed under Section  
462 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of  
463 2005 created in Section 72-2-124:

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

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

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

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

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

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

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

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

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

477 (6) (a) Ninety-four cents of each registration fee imposed under Subsections  
478 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted  
479 Account created in Section 53-3-106.

480 (b) Seventy-one cents of each registration fee imposed under Subsections  
481 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under  
482 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in  
483 Section 53-3-106.

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

487 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)  
488 and (b) for each vehicle registered for a six-month registration period under Section  
489 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account  
490 created in Section 53-8-214.



491 (8) Fifty cents of each registration fee imposed under Subsection [41-1a-1206\(1\)\(a\)](#) for  
492 each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section  
493 [26B-1-319](#).

494 (9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each  
495 registration fee imposed under Section [41-1a-1206](#) shall be deposited into the Rural  
496 Transportation Infrastructure Fund created in Section [72-2-133](#).

497 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described  
498 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous  
499 year and adding an amount equal to the greater of:

500 (i) an amount calculated by multiplying the amount deposited by the previous year by  
501 the actual percentage change during the previous fiscal year in the Consumer Price Index; and

502 (ii) 0.

503 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the  
504 nearest 1 cent.

505 Section 8. Section **41-6a-201** is amended to read:

506 **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

507 The provisions of this chapter relating to the operation of vehicles refer exclusively to  
508 the operation of vehicles upon highways, except:

509 (1) when a different place is specifically identified; [or]

510 (2) under the provisions of Section [41-6a-210](#), Part 4, Accident Responsibilities, and  
511 Part 5, Driving Under the Influence and Reckless Driving, which apply upon highways and  
512 elsewhere throughout the state[-]; or

513 (3) on private roads within the confines of a campus of a private institution of higher  
514 education that has a certified private law enforcement agency, as authorized by Subsection  
515 [53-19-202\(1\)\(b\)](#).

516 Section 9. Section **41-22-2** is amended to read:

517 **41-22-2. Definitions.**

518 As used in this chapter:

519 (1) "Advisory council" means an advisory council appointed by the Division of  
520 Outdoor Recreation that has within the advisory council's duties advising on policies related to  
521 the use of off-highway vehicles.

522 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,  
523 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure  
524 tires, having a seat designed to be straddled by the operator, and designed for or capable of  
525 travel over unimproved terrain.

526 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,  
527 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a  
528 rollover protection system, and designed for or capable of travel over unimproved terrain, and  
529 is:

530 (i) an electric-powered vehicle; or

531 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight  
532 of 3,500 pounds or less.

533 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
534 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
535 farm tractors as defined under Section [41-1a-102](#).

536 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in  
537 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

538 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to  
539 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
540 farm tractors as defined under Section [41-1a-102](#).

541 (5) "Commission" means the Outdoor Adventure Commission.

542 (6) "Cross-country" means across natural terrain and off an existing highway, road,  
543 route, or trail.

544 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
545 wholesale or retail.

546 (8) "Division" means the Division of Outdoor Recreation.

547 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
548 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
549 10 pounds per square inch or less as recommended by the vehicle manufacturer.

550 (10) "Manufacturer" means a person engaged in the business of manufacturing  
551 off-highway vehicles.

552 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

553 (b) "Motor vehicle" includes an off-highway vehicle.

554 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the  
555 operator and designed to travel on not more than two tires.

556 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
557 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by  
558 the owner or the owner's agent for agricultural operations.

559 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
560 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

561 (15) "Operate" means to control the movement of or otherwise use an off-highway  
562 vehicle.

563 (16) "Operator" means the person who is in actual physical control of an off-highway  
564 vehicle.

565 (17) "Organized user group" means an off-highway vehicle organization incorporated  
566 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
567 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

568 (18) "Owner" means a person, other than a person with a security interest, having a  
569 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
570 vehicle.

571 (19) "Public land" means land owned or administered by any federal or state agency or  
572 any political subdivision of the state.

573 (20) "Register" means the act of assigning a registration number to an off-highway  
574 vehicle.

575 (21) "Roadway" is used as defined in Section [41-6a-102](#).

576 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
577 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires,  
578 and equipped with a saddle  $\hat{S}$ → or seat ← $\hat{S}$  for the use of the rider.

579 (23) "Street or highway" means the entire width between boundary lines of every way  
580 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
581 travel.

582 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
583 defined in Section [41-6a-102](#).

584 Section 10. Section 59-12-103 (Effective 07/01/24) (Contingently Superseded  
585 01/01/25) is amended to read:

586 **59-12-103 (Effective 07/01/24) (Contingently Superseded 01/01/25). Sales and use**  
587 **tax base -- Rates -- Effective dates -- Use of sales and use tax revenues.**

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

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

591 (b) amounts paid for:

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

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

597 (iii) an ancillary service associated with a:

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

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

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

601 (i) gas;

602 (ii) electricity;

603 (iii) heat;

604 (iv) coal;

605 (v) fuel oil; or

606 (vi) other fuels;

607 (d) sales of the following for residential use:

608 (i) gas;

609 (ii) electricity;

610 (iii) heat;

611 (iv) coal;

612 (v) fuel oil; or

613 (vi) other fuels;

614 (e) sales of prepared food;

615 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or  
616 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,  
617 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,  
618 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit  
619 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf  
620 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,  
621 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,  
622 horseback rides, sports activities, or any other amusement, entertainment, recreation,  
623 exhibition, cultural, or athletic activity;

624 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
625 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

626 (i) the tangible personal property; and

627 (ii) parts used in the repairs or renovations of the tangible personal property described  
628 in Subsection (1)(g)(i), regardless of whether:

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

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

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

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

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

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

640 (i) stored;

641 (ii) used; or

642 (iii) otherwise consumed;

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

645 (i) stored;

646 (ii) used; or  
647 (iii) consumed;  
648 (m) amounts paid or charged for a sale:  
649 (i) (A) of a product transferred electronically; or  
650 (B) of a repair or renovation of a product transferred electronically; and  
651 (ii) regardless of whether the sale provides:  
652 (A) a right of permanent use of the product; or  
653 (B) a right to use the product that is less than a permanent use, including a right:  
654 (I) for a definite or specified length of time; and  
655 (II) that terminates upon the occurrence of a condition; and  
656 (n) sales of leased tangible personal property from the lessor to the lessee made in the  
657 state.

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

660 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:  
661 (A) 4.70% plus the rate specified in Subsection (11)(a); and  
662 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
663 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
664 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
665 State Sales and Use Tax Act; and

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

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

672 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a  
673 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
674 the sum of:

675 (i) a state tax imposed on the transaction at a tax rate of 2%; and  
676 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

677 transaction under this chapter other than this part.

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

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

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

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

687 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed  
688 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax  
689 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a  
690 shared vehicle driver, or a shared vehicle owner.

691 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is  
692 required once during the time that the shared vehicle owner owns the shared vehicle.

693 (C) The commission shall verify that a shared vehicle is an individual-owned shared  
694 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the  
695 purchase of the shared vehicle.

696 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified  
697 individual-owned shared vehicle shared through a car-sharing program even if non-certified  
698 shared vehicles are also available to be shared through the same car-sharing program.

699 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

700 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's  
701 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
702 commission as described in Subsection (2)(e)(i).

703 (B) If a car-sharing program relies in good faith on a shared vehicle owner's  
704 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
705 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any  
706 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

707 (iv) If all shared vehicles shared through a car-sharing program are certified as

708 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation  
709 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

710 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an  
711 individual-owned shared vehicle on a return or an attachment to a return.

712 (vi) A car-sharing program shall:

713 (A) retain tax information for each car-sharing program transaction; and

714 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at  
715 the commission's request.

716 (f) (i) For a bundled transaction that is attributable to food and food ingredients and  
717 tangible personal property other than food and food ingredients, a state tax and a local tax is  
718 imposed on the entire bundled transaction equal to the sum of:

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

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

721 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
722 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
723 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
724 Additional State Sales and Use Tax Act; and

725 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
726 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
727 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
728 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

735 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled  
736 transaction described in Subsection (2)(f)(i) or (ii):

737 (A) if the sales price of the bundled transaction is attributable to tangible personal  
738 property, a product, or a service that is subject to taxation under this chapter and tangible



739 personal property, a product, or service that is not subject to taxation under this chapter, the  
740 entire bundled transaction is subject to taxation under this chapter unless:

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

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

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

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

752 (II) state or federal law provides otherwise.

753 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the  
754 seller's regular course of business includes books and records the seller keeps in the regular  
755 course of business for nontax purposes.

756 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)  
757 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
758 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
759 of tangible personal property, other property, a product, or a service that is not subject to  
760 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
761 the seller, at the time of the transaction:

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

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

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

768 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
769 the transaction that is not subject to taxation under this chapter was not separately stated on an

770 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
771 ignorance of the law; and

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

775 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps  
776 in the seller's regular course of business includes books and records the seller keeps in the  
777 regular course of business for nontax purposes.

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

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

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

787 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the  
788 seller's regular course of business includes books and records the seller keeps in the regular  
789 course of business for nontax purposes.

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

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

793 (ii) Subsection (2)(b)(i);

794 (iii) Subsection (2)(c)(i); or

795 (iv) Subsection (2)(f)(i)(A)(I).

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

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

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

- 801 (C) Subsection (2)(c)(i); or  
802 (D) Subsection (2)(f)(i)(A)(I).
- 803 (ii) The repeal of a tax or a tax rate decrease applies to a billing  
804 statement for the billing period is rendered on or after the effective date of the repeal of the tax  
805 or the tax rate decrease imposed under:
- 806 (A) Subsection (2)(a)(i)(A);  
807 (B) Subsection (2)(b)(i);  
808 (C) Subsection (2)(c)(i); or  
809 (D) Subsection (2)(f)(i)(A)(I).
- 810 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale  
811 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal  
812 or change in a tax rate takes effect:
- 813 (A) on the first day of a calendar quarter; and  
814 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 815 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 816 (A) Subsection (2)(a)(i)(A);  
817 (B) Subsection (2)(b)(i);  
818 (C) Subsection (2)(c)(i); or  
819 (D) Subsection (2)(f)(i)(A)(I).
- 820 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
821 the commission may by rule define the term "catalogue sale."
- 822 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine  
823 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the  
824 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
- 825 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
826 or other fuel is furnished through a single meter for two or more of the following uses:
- 827 (A) a commercial use;  
828 (B) an industrial use; or  
829 (C) a residential use.
- 830 (3) (a) The following state taxes shall be deposited into the General Fund:  
831 (i) the tax imposed by Subsection (2)(a)(i)(A);

- 832 (ii) the tax imposed by Subsection (2)(b)(i);
- 833 (iii) the tax imposed by Subsection (2)(c)(i); and
- 834 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

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

- 837 (i) the tax imposed by Subsection (2)(a)(ii);
- 838 (ii) the tax imposed by Subsection (2)(b)(ii);
- 839 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 840 (iv) the tax imposed by Subsection (2)(f)(i)(B).

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

843 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
844 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)  
845 through (g):

- 846 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
  - 847 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
  - 848 (B) for the fiscal year; or
- 849 (ii) \$17,500,000.

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

- 853 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
854 protect sensitive plant and animal species; or
- 855 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
856 act, to political subdivisions of the state to implement the measures described in Subsections  
857 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

906 (iii) develop surface water sources.

907 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
908 2006, the difference between the following amounts shall be expended as provided in this  
909 Subsection (5), if that difference is greater than \$1:

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

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

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

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

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

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

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

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

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

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

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

934 (i) preconstruction costs:

935 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
936 26, Bear River Development Act; and

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

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

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

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

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

948 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),  
949 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account  
950 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the  
951 transactions described in Subsection (1) for the fiscal year.

952 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal  
953 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation  
954 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under  
955 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

- 956 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 957 (ii) the tax imposed by Subsection (2)(b)(i);
- 958 (iii) the tax imposed by Subsection (2)(c)(i); and
- 959 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

960 (b) (i) As used in this Subsection (7)(b):

961 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
962 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
963 previous fiscal year.

964 (B) "Combined amount" means the combined total amount of money deposited into the  
965 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

966 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
967 Investment Fund created in Subsection [72-2-124](#)(10).

968 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
969 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv).

970 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
971 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by  
972 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood  
973 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
974 limit in Subsection (7)(b)(iii).

975 (iii) The commission shall annually deposit the amount described in Subsection  
976 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
977 for any single fiscal year of \$20,000,000.

978 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
979 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
980 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant  
981 revenue.

982 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
983 2023, the commission shall annually reduce the deposit into the Transportation Investment  
984 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

985 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
986 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described



987 in Subsections (7)(a)(i) through (iv);

988 (B) the amount of revenue generated in the current fiscal year by registration fees  
989 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund  
990 of 2005; and

991 (C) revenues transferred by the Division of Finance to the Transportation Investment  
992 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

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

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

997 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
998 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or  
999 after July 1, 2018, the commission shall annually deposit into the Transportation Investment  
1000 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)  
1001 in an amount equal to 3.68% of the revenues collected from the following taxes:

1002 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1003 (ii) the tax imposed by Subsection (2)(b)(i);

1004 (iii) the tax imposed by Subsection (2)(c)(i); and

1005 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1006 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1007 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
1008 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1009 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1010 or use in this state that exceeds 29.4 cents per gallon.

1011 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1012 into the Transit Transportation Investment Fund created in Section 72-2-124.

1013 (d) (i) As used in this Subsection (8)(d):

1014 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1015 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
1016 previous fiscal year.

1017 (B) "Combined amount" means the combined total amount of money deposited into the

1018 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1019 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1020 Investment Fund created in Subsection 72-2-124(10).

1021 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
1022 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through  
1023 (iv).

1024 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1025 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1026 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1027 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1028 limit in Subsection (8)(d)(iii).

1029 (iii) The commission shall annually deposit the amount described in Subsection  
1030 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1031 for any single fiscal year of \$20,000,000.

1032 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1033 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1034 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant  
1035 revenue.

1036 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1037 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1038 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1039 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1040 fiscal year during which the commission receives notice under Section 63N-2-510 that  
1041 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission  
1042 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by  
1043 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in  
1044 Section 63N-2-512.

1045 (11) (a) The rate specified in this subsection is 0.15%.

1046 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
1047 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1048 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax

1049 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1050 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1051 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit  
1052 solely for use of the Search and Rescue Financial Assistance Program created in, and expended  
1053 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1054 [~~(13)~~(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall  
1055 annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund  
1056 of 2005 under Subsections (7) and (8) to the General Fund.]

1057 [~~(b)~~ If the total revenue deposited into the Transportation Investment Fund of 2005  
1058 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall  
1059 transfer the total revenue deposited into the Transportation Investment Fund of 2005 under  
1060 Subsections (7) and (8) during the fiscal year to the General Fund.]

1061 [~~(14)~~] (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,  
1062 beginning the first day of the calendar quarter one year after the sales and use tax boundary for  
1063 a housing and transit reinvestment zone is established, the commission, at least annually, shall  
1064 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
1065 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation  
1066 Investment Fund created in Section 72-2-124.

1067 [~~(15)~~] (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
1068 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
1069 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
1070 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1071 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1072 (b) the tax imposed by Subsection (2)(b)(i);
- 1073 (c) the tax imposed by Subsection (2)(c)(i); and
- 1074 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

1075 Section 11. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:

1076 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**

1077 **Effective dates -- Use of sales and use tax revenues.**

1078 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or  
1079 sales price for amounts paid or charged for the following transactions:

- 1080 (a) retail sales of tangible personal property made within the state;
- 1081 (b) amounts paid for:
  - 1082 (i) telecommunications service, other than mobile telecommunications service, that
  - 1083 originates and terminates within the boundaries of this state;
  - 1084 (ii) mobile telecommunications service that originates and terminates within the
  - 1085 boundaries of one state only to the extent permitted by the Mobile Telecommunications
  - 1086 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
  - 1087 (iii) an ancillary service associated with a:
    - 1088 (A) telecommunications service described in Subsection (1)(b)(i); or
    - 1089 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
  - 1090 (c) sales of the following for commercial use:
    - 1091 (i) gas;
    - 1092 (ii) electricity;
    - 1093 (iii) heat;
    - 1094 (iv) coal;
    - 1095 (v) fuel oil; or
    - 1096 (vi) other fuels;
  - 1097 (d) sales of the following for residential use:
    - 1098 (i) gas;
    - 1099 (ii) electricity;
    - 1100 (iii) heat;
    - 1101 (iv) coal;
    - 1102 (v) fuel oil; or
    - 1103 (vi) other fuels;
  - 1104 (e) sales of prepared food;
  - 1105 (f) except as provided in Section [59-12-104](#), amounts paid or charged as admission or
  - 1106 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
  - 1107 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
  - 1108 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
  - 1109 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
  - 1110 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,

1111 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,  
1112 horseback rides, sports activities, or any other amusement, entertainment, recreation,  
1113 exhibition, cultural, or athletic activity;

1114 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
1115 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

1116 (i) the tangible personal property; and

1117 (ii) parts used in the repairs or renovations of the tangible personal property described  
1118 in Subsection (1)(g)(i), regardless of whether:

1119 (A) any parts are actually used in the repairs or renovations of that tangible personal  
1120 property; or

1121 (B) the particular parts used in the repairs or renovations of that tangible personal  
1122 property are exempt from a tax under this chapter;

1123 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for  
1124 assisted cleaning or washing of tangible personal property;

1125 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court  
1126 accommodations and services that are regularly rented for less than 30 consecutive days;

1127 (j) amounts paid or charged for laundry or dry cleaning services;

1128 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
1129 this state the tangible personal property is:

1130 (i) stored;

1131 (ii) used; or

1132 (iii) otherwise consumed;

1133 (l) amounts paid or charged for tangible personal property if within this state the  
1134 tangible personal property is:

1135 (i) stored;

1136 (ii) used; or

1137 (iii) consumed;

1138 (m) amounts paid or charged for a sale:

1139 (i) (A) of a product transferred electronically; or

1140 (B) of a repair or renovation of a product transferred electronically; and

1141 (ii) regardless of whether the sale provides:

1142 (A) a right of permanent use of the product; or  
1143 (B) a right to use the product that is less than a permanent use, including a right:  
1144 (I) for a definite or specified length of time; and  
1145 (II) that terminates upon the occurrence of a condition; and  
1146 (n) sales of leased tangible personal property from the lessor to the lessee made in the  
1147 state.

1148 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax  
1149 are imposed on a transaction described in Subsection (1) equal to the sum of:

1150 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:

1151 (A) 4.70% plus the rate specified in Subsection (11)(a); and

1152 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
1153 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1154 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
1155 State Sales and Use Tax Act; and

1156 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
1157 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1158 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
1159 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1160 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1161 transaction under this chapter other than this part.

1162 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a  
1163 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to  
1164 the sum of:

1165 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1166 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1167 transaction under this chapter other than this part.

1168 (c) (i) Except as provided in Subsection (2)(f) or (g), a local tax is imposed on amounts  
1169 paid or charged for food and food ingredients equal to the sum of the tax rates a county, city, or  
1170 town imposes under this chapter on the amounts paid or charged for food or food ingredients.

1171 (ii) There is no state tax imposed on amounts paid or charged for food and food  
1172 ingredients.

1173 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts  
1174 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at  
1175 a rate of 4.85%.

1176 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed  
1177 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax  
1178 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a  
1179 shared vehicle driver, or a shared vehicle owner.

1180 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is  
1181 required once during the time that the shared vehicle owner owns the shared vehicle.

1182 (C) The commission shall verify that a shared vehicle is an individual-owned shared  
1183 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the  
1184 purchase of the shared vehicle.

1185 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified  
1186 individual-owned shared vehicle shared through a car-sharing program even if non-certified  
1187 shared vehicles are also available to be shared through the same car-sharing program.

1188 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

1189 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's  
1190 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
1191 commission as described in Subsection (2)(e)(i).

1192 (B) If a car-sharing program relies in good faith on a shared vehicle owner's  
1193 representation that the shared vehicle is an individual-owned shared vehicle certified with the  
1194 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any  
1195 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

1196 (iv) If all shared vehicles shared through a car-sharing program are certified as  
1197 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation  
1198 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

1199 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an  
1200 individual-owned shared vehicle on a return or an attachment to a return.

1201 (vi) A car-sharing program shall:

1202 (A) retain tax information for each car-sharing program transaction; and

1203 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at

1204 the commission's request.

1205 (f) (i) For a bundled transaction that is attributable to food and food ingredients and  
1206 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1207 imposed on the entire bundled transaction equal to the sum of:

1208 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1209 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1210 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
1211 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1212 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
1213 Additional State Sales and Use Tax Act; and

1214 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
1215 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1216 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
1217 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1218 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
1219 described in Subsection (2)(a)(ii).

1220 (ii) If an optional computer software maintenance contract is a bundled transaction that  
1221 consists of taxable and nontaxable products that are not separately itemized on an invoice or  
1222 similar billing document, the purchase of the optional computer software maintenance contract  
1223 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1224 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled  
1225 transaction described in Subsection (2)(f)(i) or (ii):

1226 (A) if the sales price of the bundled transaction is attributable to tangible personal  
1227 property, a product, or a service that is subject to taxation under this chapter and tangible  
1228 personal property, a product, or service that is not subject to taxation under this chapter, the  
1229 entire bundled transaction is subject to taxation under this chapter unless:

1230 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1231 personal property, product, or service that is not subject to taxation under this chapter from the  
1232 books and records the seller keeps in the seller's regular course of business; or

1233 (II) state or federal law provides otherwise; or

1234 (B) if the sales price of a bundled transaction is attributable to two or more items of



1235 tangible personal property, products, or services that are subject to taxation under this chapter  
1236 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1237 higher tax rate unless:

1238 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1239 personal property, product, or service that is subject to taxation under this chapter at the lower  
1240 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1241 (II) state or federal law provides otherwise.

1242 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the  
1243 seller's regular course of business includes books and records the seller keeps in the regular  
1244 course of business for nontax purposes.

1245 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)  
1246 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a  
1247 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental  
1248 of tangible personal property, other property, a product, or a service that is not subject to  
1249 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless  
1250 the seller, at the time of the transaction:

1251 (A) separately states the portion of the transaction that is not subject to taxation under  
1252 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1253 (B) is able to identify by reasonable and verifiable standards, from the books and  
1254 records the seller keeps in the seller's regular course of business, the portion of the transaction  
1255 that is not subject to taxation under this chapter.

1256 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1257 (A) after the transaction occurs, the purchaser and the seller discover that the portion of  
1258 the transaction that is not subject to taxation under this chapter was not separately stated on an  
1259 invoice, bill of sale, or similar document provided to the purchaser because of an error or  
1260 ignorance of the law; and

1261 (B) the seller is able to identify by reasonable and verifiable standards, from the books  
1262 and records the seller keeps in the seller's regular course of business, the portion of the  
1263 transaction that is not subject to taxation under this chapter.

1264 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps  
1265 in the seller's regular course of business includes books and records the seller keeps in the

1266 regular course of business for nontax purposes.

1267 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible  
1268 personal property, products, or services that are subject to taxation under this chapter at  
1269 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate  
1270 unless the seller, at the time of the transaction:

1271 (A) separately states the items subject to taxation under this chapter at each of the  
1272 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1273 (B) is able to identify by reasonable and verifiable standards the tangible personal  
1274 property, product, or service that is subject to taxation under this chapter at the lower tax rate  
1275 from the books and records the seller keeps in the seller's regular course of business.

1276 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the  
1277 seller's regular course of business includes books and records the seller keeps in the regular  
1278 course of business for nontax purposes.

1279 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax  
1280 rate imposed under the following shall take effect on the first day of a calendar quarter:

1281 (i) Subsection (2)(a)(i)(A);

1282 (ii) Subsection (2)(b)(i); or

1283 (iii) Subsection (2)(f)(i)(A)(I).

1284 (j) (i) A tax rate increase takes effect on the first day of the first billing period that  
1285 begins on or after the effective date of the tax rate increase if the billing period for the  
1286 transaction begins before the effective date of a tax rate increase imposed under:

1287 (A) Subsection (2)(a)(i)(A);

1288 (B) Subsection (2)(b)(i); or

1289 (C) Subsection (2)(f)(i)(A)(I).

1290 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
1291 statement for the billing period is rendered on or after the effective date of the repeal of the tax  
1292 or the tax rate decrease imposed under:

1293 (A) Subsection (2)(a)(i)(A);

1294 (B) Subsection (2)(b)(i); or

1295 (C) Subsection (2)(f)(i)(A)(I).

1296 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale

1297 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal  
1298 or change in a tax rate takes effect:

1299 (A) on the first day of a calendar quarter; and

1300 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

1301 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

1302 (A) Subsection (2)(a)(i)(A);

1303 (B) Subsection (2)(b)(i); or

1304 (C) Subsection (2)(f)(i)(A)(I).

1305 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1306 the commission may by rule define the term "catalogue sale."

1307 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine  
1308 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the  
1309 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.

1310 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
1311 or other fuel is furnished through a single meter for two or more of the following uses:

1312 (A) a commercial use;

1313 (B) an industrial use; or

1314 (C) a residential use.

1315 (3) (a) The following state taxes shall be deposited into the General Fund:

1316 (i) the tax imposed by Subsection (2)(a)(i)(A);

1317 (ii) the tax imposed by Subsection (2)(b)(i); and

1318 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1319 (b) The following local taxes shall be distributed to a county, city, or town as provided  
1320 in this chapter:

1321 (i) the tax imposed by Subsection (2)(a)(ii);

1322 (ii) the tax imposed by Subsection (2)(b)(ii);

1323 (iii) the tax imposed by Subsection (2)(c); and

1324 (iv) the tax imposed by Subsection (2)(f)(i)(B).

1325 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General  
1326 Fund.

1327 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,

1328 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)  
1329 through (g):

1330 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

1331 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

1332 (B) for the fiscal year; or

1333 (ii) \$17,500,000.

1334 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
1335 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax  
1336 revenue to the Department of Natural Resources to:

1337 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to  
1338 protect sensitive plant and animal species; or

1339 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
1340 act, to political subdivisions of the state to implement the measures described in Subsections  
1341 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

1342 (ii) Money transferred to the Department of Natural Resources under Subsection  
1343 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
1344 person to list or attempt to have listed a species as threatened or endangered under the  
1345 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1346 (iii) At the end of each fiscal year:

1347 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
1348 Water Resources Conservation and Development Fund created in Section 73-10-24;

1349 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1350 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1351 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1352 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1353 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1354 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
1355 created in Section 4-18-106.

1356 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
1357 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to  
1358 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for

1359 the adjudication of water rights.

1360 (ii) At the end of each fiscal year:

1361 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the  
1362 Water Resources Conservation and Development Fund created in Section 73-10-24;

1363 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1364 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1365 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1366 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1367 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described  
1368 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and  
1369 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1370 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1371 Development Fund under Section 73-10-24, the Water Resources Conservation and  
1372 Development Fund may also be used to:

1373 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
1374 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
1375 quantifying surface and ground water resources and describing the hydrologic systems of an  
1376 area in sufficient detail so as to enable local and state resource managers to plan for and  
1377 accommodate growth in water use without jeopardizing the resource;

1378 (B) fund state required dam safety improvements; and

1379 (C) protect the state's interest in interstate water compact allocations, including the  
1380 hiring of technical and legal staff.

1381 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1382 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount  
1383 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1384 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1385 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount  
1386 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1387 (i) provide for the installation and repair of collection, treatment, storage, and  
1388 distribution facilities for any public water system, as defined in Section 19-4-102;

1389 (ii) develop underground sources of water, including springs and wells; and

1390 (iii) develop surface water sources.

1391 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1392 2006, the difference between the following amounts shall be expended as provided in this  
1393 Subsection (5), if that difference is greater than \$1:

1394 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1395 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and  
1396 (ii) \$17,500,000.

1397 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:  
1398 (A) transferred each fiscal year to the Department of Natural Resources as designated  
1399 sales and use tax revenue; and  
1400 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1401 restoration.

1402 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
1403 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation  
1404 and Development Fund created in Section 73-10-24.

1405 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1406 remaining difference described in Subsection (5)(a) shall be:  
1407 (A) transferred each fiscal year to the Division of Water Resources as designated sales  
1408 and use tax revenue; and  
1409 (B) expended by the Division of Water Resources for cloud-seeding projects  
1410 authorized by Title 73, Chapter 15, Modification of Weather.

1411 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
1412 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation  
1413 and Development Fund created in Section 73-10-24.

1414 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
1415 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1416 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1417 Division of Water Resources for:  
1418 (i) preconstruction costs:  
1419 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1420 26, Bear River Development Act; and

- 1421 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1422 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1423 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1424 Chapter 26, Bear River Development Act;
- 1425 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1426 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- 1427 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and  
1428 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).
- 1429 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the  
1430 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water  
1431 Rights Restricted Account created by Section 73-2-1.6.
- 1432 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),  
1433 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account  
1434 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the  
1435 transactions described in Subsection (1) for the fiscal year.
- 1436 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal  
1437 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation  
1438 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under  
1439 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:
- 1440 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;  
1441 (ii) the tax imposed by Subsection (2)(b)(i); and  
1442 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1443 (b) (i) As used in this Subsection (7)(b):
- 1444 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1445 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
1446 previous fiscal year.
- 1447 (B) "Combined amount" means the combined total amount of money deposited into the  
1448 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.
- 1449 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1450 Investment Fund created in Subsection 72-2-124(10).
- 1451 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that

1452 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).

1453 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1454 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by  
1455 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood  
1456 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1457 limit in Subsection (7)(b)(iii).

1458 (iii) The commission shall annually deposit the amount described in Subsection  
1459 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1460 for any single fiscal year of \$20,000,000.

1461 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1462 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1463 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant  
1464 revenue.

1465 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
1466 2023, the commission shall annually reduce the deposit into the Transportation Investment  
1467 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1468 (A) the amount of revenue generated in the current fiscal year by the portion of taxes  
1469 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described  
1470 in Subsections (7)(a)(i) through (iv);

1471 (B) the amount of revenue generated in the current fiscal year by registration fees  
1472 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund  
1473 of 2005; and

1474 (C) revenues transferred by the Division of Finance to the Transportation Investment  
1475 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1476 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
1477 given fiscal year.

1478 (iii) The commission shall annually deposit the amount described in Subsection  
1479 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1480 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1481 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or  
1482 after July 1, 2018, the commission shall annually deposit into the Transportation Investment



1483 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)  
1484 in an amount equal to 3.68% of the revenues collected from the following taxes:

1485 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1486 (ii) the tax imposed by Subsection (2)(b)(i); and

1487 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1488 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1489 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by  
1490 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by  
1491 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale  
1492 or use in this state that exceeds 29.4 cents per gallon.

1493 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1494 into the Transit Transportation Investment Fund created in Section 72-2-124.

1495 (d) (i) As used in this Subsection (8)(d):

1496 (A) "Additional growth revenue" means the amount of relevant revenue collected in  
1497 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the  
1498 previous fiscal year.

1499 (B) "Combined amount" means the combined total amount of money deposited into the  
1500 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1501 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation  
1502 Investment Fund created in Subsection 72-2-124(10).

1503 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that  
1504 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through  
1505 (iii).

1506 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually  
1507 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by  
1508 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood  
1509 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the  
1510 limit in Subsection (8)(d)(iii).

1511 (iii) The commission shall annually deposit the amount described in Subsection  
1512 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount  
1513 for any single fiscal year of \$20,000,000.

1514 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous  
1515 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood  
1516 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant  
1517 revenue.

1518 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1519 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1520 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1521 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the  
1522 fiscal year during which the commission receives notice under Section 63N-2-510 that  
1523 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission  
1524 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by  
1525 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in  
1526 Section 63N-2-512.

1527 (11) (a) The rate specified in this subsection is 0.15%.

1528 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
1529 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1530 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax  
1531 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1532 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1533 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit  
1534 solely for use of the Search and Rescue Financial Assistance Program created in, and expended  
1535 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1536 ~~[(13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~  
1537 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund~~  
1538 ~~of 2005 under Subsections (7) and (8) to the General Fund.]~~

1539 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~  
1540 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~  
1541 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005 under~~  
1542 ~~Subsections (7) and (8) during the fiscal year to the General Fund.]~~

1543 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,  
1544 beginning the first day of the calendar quarter one year after the sales and use tax boundary for

1545 a housing and transit reinvestment zone is established, the commission, at least annually, shall  
 1546 transfer an amount equal to 15% of the sales and use tax increment within an established sales  
 1547 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation  
 1548 Investment Fund created in Section 72-2-124.

1549 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year  
 1550 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure  
 1551 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
 1552 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1553 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1554 (b) the tax imposed by Subsection (2)(b)(i); and
- 1555 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1556 Section 12. Section 59-13-103 is amended to read:

1557 **59-13-103. List of clean fuels provided to tax commission.**

1558 ~~[(1)]~~ The Air Quality Board shall annually provide to the tax commission a list of fuels  
 1559 that are clean fuels under Section 59-13-102.

1560 ~~[(2) The Air Quality Board appointed under Section 19-2-103 shall in conjunction with~~  
 1561 ~~the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a~~  
 1562 ~~report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions~~  
 1563 ~~of Sections 59-13-201 and 59-13-301.]~~

1564 Section 13. Section 72-1-201 is amended to read:

1565 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**  
 1566 **rights, and responsibilities.**

1567 (1) There is created the Department of Transportation which shall:

- 1568 (a) have the general responsibility for planning, research, design, construction,  
 1569 maintenance, security, and safety of state transportation systems;
- 1570 (b) provide administration for state transportation systems and programs;
- 1571 (c) implement the transportation policies of the state;
- 1572 (d) plan, develop, construct, and maintain state transportation systems that are safe,  
 1573 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and  
 1574 industry;
- 1575 (e) establish standards and procedures regarding the technical details of administration

1576 of the state transportation systems as established by statute and administrative rule;

1577 (f) advise the governor and the Legislature about state transportation systems needs;

1578 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective

1579 installation, maintenance, operation, relocation, and upgrade of utilities within state highway

1580 rights-of-way;

1581 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1582 make rules for the administration of the department, state transportation systems, and

1583 programs;

1584 (i) jointly with the commission annually report to the Transportation Interim

1585 Committee, by November 30 of each year, as to the operation, maintenance, condition,

1586 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

1587 (j) ensure that any training or certification required of a public official or public

1588 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter

1589 22, State Training and Certification Requirements, if the training or certification is required:

1590 (i) under this title;

1591 (ii) by the department; or

1592 (iii) by an agency or division within the department;

1593 (k) study and make recommendations to the Legislature on potential managed lane use

1594 and implementation on selected transportation systems within the state; [~~and~~]

1595 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division

1596 created in Section [53-8-103](#) regarding:

1597 (i) future highway projects that will add additional capacity to the state transportation

1598 system;

1599 (ii) potential changes in law enforcement responsibilities due to future highway

1600 projects; and

1601 (iii) incident management services on state highways[:]; and

1602 (m) provide public transit services, in consultation with any relevant public transit

1603 provider.

1604 (2) (a) The department shall exercise reasonable care in designing, constructing, and

1605 maintaining a state highway in a reasonably safe condition for travel.

1606 (b) Nothing in this section shall be construed as:

1607 (i) creating a private right of action; or

1608 (ii) expanding or changing the department's common law duty as described in

1609 Subsection (2)(a) for liability purposes.

1610 Section 14. Section **72-1-203** is amended to read:

1611 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**  
1612 **and advisers -- Salaries.**

1613 (1) The executive director shall appoint the following deputy directors, who shall serve  
1614 at the discretion of the executive director:

1615 (a) the deputy director of engineering and operation, who shall be a registered  
1616 professional engineer in the state, and who shall be the chief engineer of the department; and

1617 (b) the deputy director of planning and investment.

1618 (2) As assigned by the executive director, the deputy directors described in Subsection  
1619 (1) may assist the executive director with the following departmental responsibilities:

1620 (a) project development, including statewide standards for project design and  
1621 construction, right-of-way, materials, testing, structures, and construction;

1622 (b) oversight of the management of the region offices described in Section [72-1-205](#);

1623 (c) operations and traffic management;

1624 (d) oversight of operations of motor carriers and ports;

1625 (e) transportation systems safety;

1626 (f) aeronautical operations;

1627 (g) equipment for department engineering and maintenance functions;

1628 (h) oversight and coordination of planning, including:

1629 (i) development of statewide strategic initiatives for planning across all modes of  
1630 transportation;

1631 (ii) coordination with metropolitan planning organizations and local governments;

1632 (iii) coordination with a large public transit district, including planning, project  
1633 development, outreach, programming, environmental studies and impact statements,  
1634 construction, and impacts on public transit operations; and

1635 (iv) corridor and area planning;

1636 (i) asset management;

1637 (j) programming and prioritization of transportation projects;

- 1638 (k) fulfilling requirements for environmental studies and impact statements;
- 1639 (l) resource investment, including identification, development, and oversight of
- 1640 public-private partnership opportunities;
- 1641 (m) data analytics services to the department;
- 1642 (n) corridor preservation;
- 1643 (o) employee development;
- 1644 (p) maintenance planning;
- 1645 (q) oversight and facilitation of the negotiations and integration of public transit
- 1646 providers described in Section [17B-2a-827](#);
- 1647 (r) oversight and supervision of any fixed guideway capital development project within
- 1648 the boundaries of a large public transit district for which any state funds are expended,
- 1649 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the
- 1650 implementation and enforcement of any federal grant obligations associated with fixed
- 1651 guideway capital development project funding; and
- 1652 (s) other departmental responsibilities as determined by the executive director.
- 1653 (3) The executive director shall ensure that the same deputy director does not oversee
- 1654 or supervise both the fixed guideway capital development responsibilities described in
- 1655 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the
- 1656 responsibilities described in Section [72-1-214](#).
- 1657 Section 15. Section **72-1-216** is amended to read:
- 1658 **72-1-216. Statewide electric vehicle charging network plan -- Report.**
- 1659 (1) (a) The department, in consultation with relevant entities in the private sector, shall
- 1660 develop a statewide electric vehicle charging network plan.
- 1661 (b) To develop the statewide electric vehicle charging network plan, the department
- 1662 shall consult with political subdivisions and other relevant state agencies, divisions, and
- 1663 entities, including:
- 1664 (i) the Department of Environmental Quality created in Section [19-1-104](#);
- 1665 (ii) the Division of Facilities Construction and Management created in Section
- 1666 [63A-5b-301](#);
- 1667 (iii) the Office of Energy Development created in Section [79-6-401](#); and
- 1668 (iv) the Department of Natural Resources created in Section [79-2-201](#).

1669 (2) The statewide electric vehicle charging network plan shall provide implementation  
1670 strategies to ensure that electric vehicle charging stations are available:

1671 (a) at strategic locations as determined by the department [~~by June 30, 2021~~];

1672 (b) at incremental distances no greater than every 50 miles along the state's interstate  
1673 highway system by December 31, 2025; and

1674 (c) along other major highways within the state as the department finds appropriate.

1675 [~~(3) The department shall provide a report before November 30, 2020, to the  
1676 Transportation Interim Committee to outline the statewide electric vehicle charging network  
1677 plan.~~]

1678 Section 16. Section **72-1-304** is amended to read:

1679 **72-1-304. Written project prioritization process for new transportation capacity  
1680 projects -- Rulemaking.**

1681 (1) (a) The Transportation Commission, in consultation with the department and the  
1682 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written  
1683 prioritization process for the prioritization of:

1684 (i) new transportation capacity projects that are or will be part of the state highway  
1685 system under Chapter 4, Part 1, State Highways;

1686 (ii) paved pedestrian or paved nonmotorized transportation projects described in  
1687 Section [72-2-124](#);

1688 (iii) public transit projects that directly add capacity to the public transit systems within  
1689 the state, not including facilities ancillary to the public transit system; and

1690 (iv) pedestrian or nonmotorized transportation projects that provide connection to a  
1691 public transit system.

1692 (b) (i) A local government or public transit district may nominate a project for  
1693 prioritization in accordance with the process established by the commission in rule.

1694 (ii) If a local government or public transit district nominates a project for prioritization  
1695 by the commission, the local government or public transit district shall provide data and  
1696 evidence to show that:

1697 (A) the project will advance the purposes and goals described in Section [72-1-211](#);

1698 (B) for a public transit project, the local government or public transit district has an  
1699 ongoing funding source for operations and maintenance of the proposed development; and

1700 (C) the local government or public transit district will provide the percentage of the  
1701 costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1702 (2) The following shall be included in the written prioritization process under  
1703 Subsection (1):

1704 (a) a description of how the strategic initiatives of the department adopted under  
1705 Section 72-1-211 are advanced by the written prioritization process;

1706 (b) a definition of the type of projects to which the written prioritization process  
1707 applies;

1708 (c) specification of a weighted criteria system that is used to rank proposed projects  
1709 and how it will be used to determine which projects will be prioritized;

1710 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1711 (e) any other provisions the commission considers appropriate, which may include  
1712 consideration of:

1713 (i) regional and statewide economic development impacts, including improved local  
1714 access to:

1715 (A) employment;

1716 (B) educational facilities;

1717 (C) recreation;

1718 (D) commerce; and

1719 (E) residential areas, including moderate income housing as demonstrated in the local  
1720 government's or public transit district's general plan pursuant to Section 10-9a-403 or  
1721 17-27a-403;

1722 (ii) the extent to which local land use plans relevant to a project support and  
1723 accomplish the strategic initiatives adopted under Section 72-1-211; and

1724 (iii) any matching funds provided by a political subdivision or public transit district in  
1725 addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and  
1726 72-2-124(9)(e).

1727 (3) (a) When prioritizing a public transit project that increases capacity, the  
1728 commission:

1729 (i) may give priority consideration to projects that are part of a transit-oriented  
1730 development or transit-supportive development as defined in Section 17B-2a-802; and



1731 (ii) shall give priority consideration to projects that are within the boundaries of a  
1732 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,  
1733 Housing and Transit Reinvestment Zone Act.

1734 (b) When prioritizing a transportation project that increases capacity, the commission  
1735 may give priority consideration to projects that are:

1736 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1737 (A) the state is a participant in the transportation reinvestment zone; or

1738 (B) the commission finds that the transportation reinvestment zone provides a benefit  
1739 to the state transportation system; or

1740 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant  
1741 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1742 (c) If the department receives a notice of prioritization for a municipality as described  
1743 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection  
1744 17-27a-408(5), the commission may give priority consideration to transportation projects that  
1745 are within the boundaries of the municipality or the unincorporated areas of the county until the  
1746 department receives notification from the Housing and Community Development Division  
1747 within the Department of Workforce Services that the municipality or county no longer  
1748 qualifies for prioritization under this Subsection (3)(c).

1749 (4) In developing the written prioritization process, the commission:

1750 (a) shall seek and consider public comment by holding public meetings at locations  
1751 throughout the state; and

1752 (b) may not consider local matching dollars as provided under Section 72-2-123 unless  
1753 the state provides an equal opportunity to raise local matching dollars for state highway  
1754 improvements within each county.

1755 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1756 Transportation Commission, in consultation with the department, shall make rules establishing  
1757 the written prioritization process under Subsection (1).

1758 (6) The commission shall submit the proposed rules under this section to a committee  
1759 or task force designated by the Legislative Management Committee for review prior to taking  
1760 final action on the proposed rules or any proposed amendment to the rules described in  
1761 Subsection (5).

1762 Section 17. Section 72-2-124 is amended to read:

1763 **72-2-124. Transportation Investment Fund of 2005.**

1764 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1765 of 2005.

1766 (2) The fund consists of money generated from the following sources:

1767 (a) any voluntary contributions received for the maintenance, construction,  
1768 reconstruction, or renovation of state and federal highways;

1769 (b) appropriations made to the fund by the Legislature;

1770 (c) registration fees designated under Section 41-1a-1201;

1771 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1772 59-12-103; and

1773 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1774 (3) (a) The fund shall earn interest.

1775 (b) All interest earned on fund money shall be deposited into the fund.

1776 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
1777 fund money to pay:

1778 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1779 federal highways prioritized by the Transportation Commission through the prioritization  
1780 process for new transportation capacity projects adopted under Section 72-1-304;

1781 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1782 projects described in Subsections 63B-18-401(2), (3), and (4);

1783 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401  
1784 minus the costs paid from the County of the First Class Highway Projects Fund in accordance  
1785 with Subsection 72-2-121(4)(e);

1786 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1787 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified  
1788 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the  
1789 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1790 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101  
1791 for projects prioritized in accordance with Section 72-2-125;

1792 (vi) all highway general obligation bonds that are intended to be paid from revenues in

1793 the Centennial Highway Fund created by Section 72-2-118;

1794 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First

1795 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described

1796 in Section 72-2-121;

1797 (viii) if a political subdivision provides a contribution equal to or greater than 40% of

1798 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved

1799 nonmotorized transportation for projects that:

1800 (A) mitigate traffic congestion on the state highway system;

1801 (B) are part of an active transportation plan approved by the department; and

1802 (C) are prioritized by the commission through the prioritization process for new

1803 transportation capacity projects adopted under Section 72-1-304;

1804 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,

1805 reconstruction, or renovation of or improvement to the following projects:

1806 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

1807 (B) Geneva Road from University Parkway to 1800 South;

1808 (C) the SR-97 interchange at 5600 South on I-15;

1809 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

1810 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

1811 (F) improvements to 1600 North in Orem from 1200 West to State Street;

1812 (G) widening I-15 between mileposts 6 and 8;

1813 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

1814 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in

1815 Spanish Fork Canyon;

1816 (J) I-15 northbound between mileposts 43 and 56;

1817 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43

1818 and 45.1;

1819 (L) east Zion SR-9 improvements;

1820 (M) Toquerville Parkway;

1821 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

1822 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for

1823 construction of an interchange on Bangerter Highway at 13400 South; and

1824 (P) an environmental impact study for Kimball Junction in Summit County; and  
1825 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project  
1826 costs based upon a statement of cash flow that the local jurisdiction where the project is located  
1827 provides to the department demonstrating the need for money for the project, for the following  
1828 projects in the following amounts:

- 1829 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1830 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1831 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1832 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40  
1833 between mile markers 7 and 10.

1834 (b) The executive director may use fund money to exchange for an equal or greater  
1835 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1836 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of  
1837 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director  
1838 may not program fund money to a project prioritized by the commission under Section  
1839 72-1-304, including fund money from the Transit Transportation Investment Fund, within the  
1840 boundaries of the municipality until the department receives notification from the Housing and  
1841 Community Development Division within the Department of Workforce Services that  
1842 ineligibility under this Subsection (5) no longer applies to the municipality.

1843 (b) Within the boundaries of a municipality described in Subsection (5)(a), the  
1844 executive director:

1845 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1846 facility or interchange connecting limited-access facilities;

1847 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1848 an interchange on a limited-access facility;

1849 (iii) may program Transit Transportation Investment Fund money for a  
1850 multi-community fixed guideway public transportation project; and

1851 (iv) may not program Transit Transportation Investment Fund money for the  
1852 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1853 transportation project.

1854 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive

1855 director before July 1, 2022, for projects prioritized by the commission under Section  
1856 72-1-304.

1857 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of  
1858 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may  
1859 not program fund money to a project prioritized by the commission under Section 72-1-304,  
1860 including fund money from the Transit Transportation Investment Fund, within the boundaries  
1861 of the unincorporated area of the county until the department receives notification from the  
1862 Housing and Community Development Division within the Department of Workforce Services  
1863 that ineligibility under this Subsection (6) no longer applies to the county.

1864 (b) Within the boundaries of the unincorporated area of a county described in  
1865 Subsection (6)(a), the executive director:

1866 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access  
1867 facility to a project prioritized by the commission under Section 72-1-304;

1868 (ii) may not program fund money for the construction, reconstruction, or renovation of  
1869 an interchange on a limited-access facility;

1870 (iii) may program Transit Transportation Investment Fund money for a  
1871 multi-community fixed guideway public transportation project; and

1872 (iv) may not program Transit Transportation Investment Fund money for the  
1873 construction, reconstruction, or renovation of a station that is part of a fixed guideway public  
1874 transportation project.

1875 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive  
1876 director before July 1, 2022, for projects prioritized by the commission under Section  
1877 72-1-304.

1878 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued  
1879 in any fiscal year, the department and the commission shall appear before the Executive  
1880 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1881 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1882 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1883 (b) The Executive Appropriations Committee of the Legislature shall review and  
1884 comment on the amount of bond proceeds needed to fund the projects.

1885 (8) The Division of Finance shall, from money deposited into the fund, transfer the

1886 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by  
 1887 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or  
 1888 sinking fund.

1889 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
 1890 Transportation Investment Fund.

1891 (b) The fund shall be funded by:

1892 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1893 (ii) appropriations into the account by the Legislature;

1894 (iii) deposits of sales and use tax increment related to a housing and transit  
 1895 reinvestment zone as described in Section 63N-3-610;

1896 (iv) transfers of local option sales and use tax revenue as described in Subsection  
 1897 59-12-2220(11)(b) or (c);

1898 (v) private contributions; and

1899 (vi) donations or grants from public or private entities.

1900 (c) (i) The fund shall earn interest.

1901 (ii) All interest earned on fund money shall be deposited into the fund.

1902 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:

1903 (i) for public transit capital development of new capacity projects and fixed guideway  
 1904 capital development projects to be used as prioritized by the commission through the  
 1905 prioritization process adopted under Section 72-1-304; ~~or~~

1906 (ii) to the department for oversight of a fixed guideway capital development project for  
 1907 which the department has responsibility[-]; or

1908 (iii) up to \$500,000 per year, to be used for a public transit study.

1909 (e) (i) Subject to Subsections ~~[(9)(g) and (h)]~~ (9)(g), (h), and (i), the commission may  
 1910 only prioritize money from the fund for a public transit capital development project or  
 1911 pedestrian or nonmotorized transportation project that provides connection to the public transit  
 1912 system if the public transit district or political subdivision provides funds of equal to or greater  
 1913 than 30% of the costs needed for the project.

1914 (ii) A public transit district or political subdivision may use money derived from a loan  
 1915 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or  
 1916 part of the 30% requirement described in Subsection (9)(e)(i) if:

1917 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1918 State Infrastructure Bank Fund; and

1919 (B) the proposed capital project has been prioritized by the commission pursuant to  
1920 Section [72-1-303](#).

1921 (f) Before July 1, 2022, the department and a large public transit district shall enter into  
1922 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15  
1923 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and  
1924 trainsets for regional public transit rail systems.

1925 (g) For any revenue transferred into the fund pursuant to Subsection  
1926 [59-12-2220\(11\)\(b\)](#):

1927 (i) the commission may prioritize money from the fund for public transit projects,  
1928 operations, or maintenance within the county of the first class; and

1929 (ii) Subsection (9)(e) does not apply.

1930 (h) For any revenue transferred into the fund pursuant to Subsection  
1931 [59-12-2220\(11\)\(c\)](#):

1932 (i) the commission may prioritize public transit projects, operations, or maintenance in  
1933 the county from which the revenue was generated; and

1934 (ii) Subsection (9)(e) does not apply.

1935 (i) The requirement to provide funds equal to or greater than 30% of the costs needed  
1936 for a project described in Subsection (9)(e) does not apply to a public transit capital  
1937 development project or pedestrian or nonmotorized transportation project for which the  
1938 department has oversight or supervision responsibilities.

1939 (10) (a) There is created in the Transportation Investment Fund of 2005 the  
1940 Cottonwood Canyons Transportation Investment Fund.

1941 (b) The fund shall be funded by:

1942 (i) money deposited into the fund in accordance with Section [59-12-103](#);

1943 (ii) appropriations into the account by the Legislature;

1944 (iii) private contributions; and

1945 (iv) donations or grants from public or private entities.

1946 (c) (i) The fund shall earn interest.

1947 (ii) All interest earned on fund money shall be deposited into the fund.

1948 (d) The Legislature may appropriate money from the fund for public transit or  
1949 transportation projects in the Cottonwood Canyons of Salt Lake County.

1950 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active  
1951 Transportation Investment Fund.

1952 (b) The fund shall be funded by:

1953 (i) money deposited into the fund in accordance with Section 59-12-103;

1954 (ii) appropriations into the account by the Legislature; and

1955 (iii) donations or grants from public or private entities.

1956 (c) (i) The fund shall earn interest.

1957 (ii) All interest earned on fund money shall be deposited into the fund.

1958 (d) The executive director may only use fund money to pay the costs needed for:

1959 (i) the planning, design, construction, maintenance, reconstruction, or renovation of  
1960 paved pedestrian or paved nonmotorized trail projects that:

1961 (A) are prioritized by the commission through the prioritization process for new  
1962 transportation capacity projects adopted under Section 72-1-304;

1963 (B) serve a regional purpose; and

1964 (C) are part of an active transportation plan approved by the department or the plan  
1965 described in Subsection (11)(d)(ii);

1966 (ii) the development of a plan for a statewide network of paved pedestrian or paved  
1967 nonmotorized trails that serve a regional purpose; and

1968 (iii) the administration of the fund, including staff and overhead costs.

1969 Section 18. Section 72-3-202 is amended to read:

1970 **72-3-202. State park access highways -- Anasazi State Park Museum to Edge of**  
1971 **the Cedars State Park Museum.**

1972 State park access highways include:

1973 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum  
1974 is at the park entrance located in Garfield County at milepoint [87:8] 87.3 on State Highway  
1975 12. No access road is defined.

1976 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the  
1977 pay gate located in Rich County at milepoint [413:2] 498.8 on State Highway 89. No access  
1978 road is defined.



1979 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore  
 1980 begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a  
 1981 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich  
 1982 County.

1983 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake  
 1984 Rendezvous Beach is at the park entrance in Rich County at milepoint [~~124.5~~] 118 on State  
 1985 Highway 30. No access road is defined.

1986 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the  
 1987 Camp Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at  
 1988 milepoint 20.6 on State Highway 73. No access road is defined.

1989 (6) CORAL PINK SAND DUNES STATE PARK.

1990 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State  
 1991 Highway 89 and proceeds southwesterly on [a] county road 43 a distance of 12.0 miles to the  
 1992 visitor center of the park and is under the jurisdiction of Kane County.

1993 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state  
 1994 border between Arizona and Utah and proceeds northerly on county road 43 and travels  
 1995 through the state park and is under the jurisdiction of Kane County.

1996 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is  
 1997 defined.

1998 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park  
 1999 begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway  
 2000 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction of~~  
 2001 ~~UDOT~~], crosses into San Juan County between mile marker 2 and 3, continues to mile marker  
 2002 0, and is under the jurisdiction of the department.

2003 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in  
 2004 Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a  
 2005 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [~~UDOT~~]  
 2006 the department.

2007 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in  
 2008 Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a  
 2009 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [~~UDOT~~] the

2010 department.

2011 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit  
 2012 County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles  
 2013 to the boat ramp at the park.

2014 [(H)] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of  
 2015 the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on  
 2016 Center Street to 600 West then north on 600 West to the parking area and museum at 660 West  
 2017 400 North. The access road is under the jurisdiction of Blanding.

2018 Section 19. Section **72-3-203** is amended to read:

2019 **72-3-203. State park access highways -- Escalante Petrified Forest State Park to**  
 2020 **Huntington State Park.**

2021 State park access highways include:

2022 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante  
 2023 Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds  
 2024 northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the  
 2025 jurisdiction of Garfield County.

2026 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State  
 2027 Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on  
 2028 Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah  
 2029 County.

2030 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian  
 2031 State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and  
 2032 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9  
 2033 miles and is under the jurisdiction of Sevier County.

2034 [~~(4) GOBLIN VALLEY STATE PARK (East Access).~~ The East Access to the Goblin  
 2035 Valley State Park begins in Emery County at the junction of State Highway 24 and county road  
 2036 ~~1012 and proceeds westerly on county road 1012, a distance of 5.2 miles; then southerly on~~  
 2037 ~~county road 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4~~  
 2038 ~~miles to the park entrance. The East Access is under the jurisdiction of Emery County.]~~

2039 [(5)] (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the  
 2040 Goblin Valley State Park begins in Emery County at the junction of [~~Interstate 70 and county~~

2041 ~~road 332]~~ county road 1013 and county road 1014 and proceeds southwesterly on county road  
 2042 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then  
 2043 southeasterly on county road 1012, a distance of [~~10.6 miles; then southerly on county road~~  
 2044 ~~1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4 miles to the~~  
 2045 ~~park entrance.~~] 7.0 miles to the park fee station. The North Access is under the jurisdiction of  
 2046 Emery County.

2047 [~~(6)~~] (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in  
 2048 San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a  
 2049 distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction  
 2050 of UDOT.

2051 [~~(7)~~] (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park  
 2052 begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a  
 2053 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of  
 2054 Davis County.

2055 [~~(8)~~] (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt  
 2056 Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds  
 2057 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the  
 2058 park and is under the jurisdiction of Salt Lake County.

2059 [~~(9)~~] (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in  
 2060 Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly  
 2061 on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the  
 2062 jurisdiction of Green River.

2063 [~~(10)~~] (9) GUNLOCK STATE PARK. Access to [~~the~~] Gunlock State Park begins in  
 2064 Washington County at the junction of county road (L009) [~~and a county road~~] (Old Highway  
 2065 91) and Gunlock Road and proceeds northwesterly on [~~a county road~~] Gunlock Road a distance  
 2066 of [~~0.1~~] 5.9 miles to the parking area at the park and is under the jurisdiction of Washington  
 2067 County.

2068 [~~(H)~~] (10) HUNTINGTON STATE PARK. Access to [~~the~~] Huntington State Park  
 2069 begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a  
 2070 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

2071 Section 20. Section **72-3-204** is amended to read:

- 2072           **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**  
2073           State park access highways include:
- 2074           (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache  
2075 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway  
2076 101. No access road is defined.
- 2077           (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier  
2078 Homestead State Park Museum is at the parking area and museum in Iron County at milepoint  
2079 [3-3] 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is  
2080 defined.
- 2081           (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC  
2082 SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56,  
2083 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old  
2084 Iron Town and is under the jurisdiction of Iron County.
- 2085           (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan  
2086 River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds  
2087 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the  
2088 jurisdiction of Salt Lake County.
- 2089           (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the  
2090 Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and  
2091 proceeds southeasterly on State Highway 319 a distance of [~~1.4~~] 1.2 miles to the marina  
2092 parking area at the park and is under the jurisdiction of UDOT.
- 2093           (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to  
2094 the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway  
2095 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at  
2096 the park and is under the jurisdiction of the county.
- 2097           (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park  
2098 Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a  
2099 county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction  
2100 of the county.
- 2101           (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State  
2102 Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road

2103 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane  
2104 County.

2105 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery  
2106 County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of  
2107 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

2108 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the  
2109 pay gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access road  
2110 is defined.

2111 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba  
2112 East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county  
2113 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the  
2114 jurisdiction of Sanpete County.

2115 Section 21. Section **72-3-205** is amended to read:

2116 **72-3-205. State park access highways -- Palisade State Park to Starvation State**  
2117 **Park.**

2118 State park access highways include:

2119 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete  
2120 County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2  
2121 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete  
2122 County.

2123 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at  
2124 State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the  
2125 parking area at the park and is under the jurisdiction of Piute County.

2126 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail  
2127 Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300  
2128 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is  
2129 under the jurisdiction of Hurricane City.

2130 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail  
2131 Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on  
2132 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The  
2133 South Access is under the jurisdiction of UDOT.

2134 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah  
2135 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to  
2136 the pay gate at the park and is under the jurisdiction of Uintah County.

2137 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit  
2138 County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of  
2139 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

2140 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand  
2141 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand  
2142 Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the  
2143 jurisdiction of Hurricane City.

2144 ~~[(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand  
2145 Hollow State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a  
2146 distance of 1.7 miles; then proceeds southwesterly on Sand Hollow Road, a distance of 5.3  
2147 miles to Sand Hollow Parkway. The East Access is under the jurisdiction of Hurricane City.]~~

2148 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand  
2149 Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then  
2150 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road.  
2151 The South Access is under the jurisdiction of Hurricane City.

2152 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat  
2153 launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

2154 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park  
2155 Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.  
2156 No access road is defined.

2157 ~~[(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park  
2158 begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds  
2159 northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of the  
2160 Snow Canyon State Park.]~~

2161 (11) SNOW CANYON STATE PARK.

2162 (a) South access to the Snow Canyon State Park begins in Washington County at State  
2163 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway  
2164 and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at

2165 the northern boundary of the Vermillion Cliffs development).

2166 (b) The northern access is located at the intersection of State Route 18 and Snow  
2167 Canyon Drive.

2168 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in  
2169 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a  
2170 distance of [~~2.2~~] 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2171 Section 22. Section **72-3-206** is amended to read:

2172 **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

2173 State park access highways include:

2174 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah  
2175 County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of  
2176 [~~1.7~~] 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2177 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial  
2178 Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State  
2179 Highway 100. No access road is defined.

2180 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage  
2181 Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake  
2182 City. No access road is defined.

2183 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah  
2184 Field House of Natural History State Park is at the parking area in Uintah County at milepoint  
2185 [~~145.8~~] 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.

2186 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah  
2187 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to  
2188 the pay gate at the park and is under the jurisdiction of Utah County.

2189 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the  
2190 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds  
2191 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on  
2192 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The  
2193 East Access is under the jurisdiction of Wasatch County.

2194 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to  
2195 the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds

2196 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city  
2197 roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a  
2198 distance of [~~1.1~~] 1.3 miles to the campground entrance. The South Access is under the  
2199 jurisdiction of Wasatch County and Midway City.

2200 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the  
2201 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds  
2202 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on  
2203 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The  
2204 West Access is under the jurisdiction of Wasatch County.

2205 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in  
2206 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then  
2207 southwesterly on Soldier Hollow Lane to the parking area and clubhouse.

2208 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins  
2209 in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and  
2210 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the  
2211 parking area. The access is under the jurisdiction of Wasatch County.

2212 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park  
2213 South begins in Box Elder County at a county road and proceeds northwesterly on State  
2214 Highway 312 a distance of [~~0.2~~] 0.5 miles to the marina parking at the park and is under the  
2215 jurisdiction of UDOT.

2216 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park  
2217 North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on  
2218 State Highway 315 a distance of [~~0.6~~] 1.0 miles to the marina parking at the park and is under  
2219 the jurisdiction of UDOT.

2220 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at  
2221 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to  
2222 the pay gate at the park and is under the jurisdiction of Juab County.

2223 Section 23. Section **72-6-118** is amended to read:

2224 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**  
2225 **and collection of tolls -- Amount of tolls -- Rulemaking.**

2226 (1) As used in this section:



2227 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under  
2228 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number  
2229 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a  
2230 toll or fee.

2231 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

2232 (c) "Toll lane" means a designated new highway or additional lane capacity that is  
2233 constructed, operated, or maintained for which a toll is charged for its use.

2234 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way  
2235 designed and used as a transportation route that is constructed, operated, or maintained through  
2236 the use of toll revenues.

2237 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

2238 (e) "Tollway development agreement" has the same meaning as defined in Section  
2239 72-6-202.

2240 (2) Subject to the provisions of Subsection (3), the department may:

2241 (a) establish, expand, and operate tollways and related facilities for the purpose of  
2242 funding in whole or in part the acquisition of right-of-way and the design, construction,  
2243 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation  
2244 route for use by the public;

2245 (b) enter into contracts, agreements, licenses, franchises, tollway development  
2246 agreements, or other arrangements to implement this section;

2247 (c) impose and collect tolls on any tollway established under this section, including  
2248 collection of past due payment of a toll or penalty;

2249 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls  
2250 pursuant to the terms and conditions of a tollway development agreement;

2251 (e) use technology to automatically monitor a tollway and collect payment of a toll,  
2252 including:

2253 (i) license plate reading technology; and

2254 (ii) photographic or video recording technology; and

2255 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny  
2256 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll  
2257 or penalty imposed for usage of a tollway involving the motor vehicle for which registration

2258 renewal has been requested.

2259 (3) (a) The department may establish or operate a tollway on an existing highway if  
2260 approved by the commission in accordance with the terms of this section.

2261 (b) To establish a tollway on an existing highway, the department shall submit a  
2262 proposal to the commission including:

2263 (i) a description of the tollway project;

2264 (ii) projected traffic on the tollway;

2265 (iii) the anticipated amount of the toll to be charged; and

2266 (iv) projected toll revenue.

2267 (4) (a) For a tollway established under this section, the department may:

2268 (i) according to the terms of each tollway, impose the toll upon the owner of a motor  
2269 vehicle using the tollway according to the terms of the tollway;

2270 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:

2271 (A) an unpaid toll and the amount of the toll to be paid to the department;

2272 (B) the penalty for failure to pay the toll timely; and

2273 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and  
2274 penalty are not paid timely, which would prevent the renewal of the motor vehicle's  
2275 registration;

2276 (iii) require that the owner of the motor vehicle pay the toll to the department within 30  
2277 days of the date when the department sends written notice of the toll to the owner; and

2278 (iv) impose a penalty for failure to pay a toll timely.

2279 (b) The department shall mail the correspondence and notice described in Subsection  
2280 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

2281 (5) (a) The Division of Motor Vehicles and the department shall share and provide  
2282 access to information pertaining to a motor vehicle and tollway enforcement including:

2283 (i) registration and ownership information pertaining to a motor vehicle;

2284 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or  
2285 penalty imposed under this section; and

2286 (iii) the status of a request for a hold on the registration of a motor vehicle.

2287 (b) If the department requests a hold on the registration in accordance with this section,  
2288 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title

2289 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or  
2290 penalty imposed under this section for usage of a tollway involving the motor vehicle for which  
2291 registration renewal has been requested until the department withdraws the hold request.

2292 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter  
2293 3, Utah Administrative Rulemaking Act, the commission shall:

2294 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

2295 (ii) for tolls established under Subsection (6)(b), set:

2296 (A) an increase in a toll rate or user fee above an increase specified in a tollway

2297 development agreement; or

2298 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a

2299 tollway development agreement.

2300 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a  
2301 tollway on a state highway that is the subject of a tollway development agreement shall be set  
2302 in the tollway development agreement.

2303 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2304 the department shall make rules:

2305 (i) necessary to establish and operate tollways on state highways;

2306 (ii) that establish standards and specifications for automatic tolling systems and

2307 automatic tollway monitoring technology; and

2308 (iii) to set the amount of a penalty for failure to pay a toll under this section.

2309 (b) The rules shall:

2310 (i) include minimum criteria for having a tollway; and

2311 (ii) conform to regional and national standards for automatic tolling.

2312 (8) (a) The commission may provide funds for public or private tollway pilot projects  
2313 or high occupancy toll lanes from General Fund money appropriated by the Legislature to the  
2314 commission for that purpose.

2315 (b) The commission may determine priorities and funding levels for tollways  
2316 designated under this section.

2317 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway  
2318 on a state highway shall be deposited into the Tollway Special Revenue Fund created in  
2319 Section [72-2-120](#) and used for any state transportation purpose.

2320 (b) Revenue generated from a tollway that is the subject of a tollway development  
2321 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance  
2322 with Subsection (9)(a) unless:

2323 (i) the revenue is to a private entity through the tollway development agreement; or

2324 (ii) the revenue is identified for a different purpose under the tollway development  
2325 agreement.

2326 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

2327 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,  
2328 Chapter 2, Government Records Access and Management Act, if the photographic or video  
2329 data is maintained by a governmental entity;

2330 (b) may not be used or shared for any purpose other than the purposes described in this  
2331 section;

2332 (c) may only be preserved:

2333 (i) so long as necessary to collect the payment of a toll or penalty imposed in  
2334 accordance with this section; or

2335 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
2336 equivalent federal warrant; and

2337 (d) may only be disclosed:

2338 (i) in accordance with the disclosure requirements for a protected record under Section  
2339 63G-2-202; or

2340 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an  
2341 equivalent federal warrant.

2342 (11) (a) The department may not sell for any purpose photographic or video data  
2343 captured under Subsection (2)(e)(ii).

2344 (b) The department may not share captured photographic or video data for a purpose  
2345 not authorized under this section.

2346 ~~[(12) Before November 1, 2018, the Driver License Division, the Division of Motor  
2347 Vehicles, and the department shall jointly study and report findings and recommendations to  
2348 the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'  
2349 License Compact, and other methods to collect a toll or penalty under this section from:]~~

2350 ~~[(a) an owner of a motor vehicle registered outside this state; or]~~

2351 ~~[(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.]~~

2352 Section 24. Section **72-6-121** is amended to read:

2353 **72-6-121. Clean fuel vehicle decal.**

2354 (1) Subject to the requirements of this section, the department shall issue a clean fuel  
2355 vehicle decal permit and a clean fuel vehicle decal to an applicant if:

2356 (a) the applicant is an owner of a vehicle:

2357 (i) powered by clean fuel that meets the standards established by the department in  
2358 rules authorized under Subsection [41-6a-702\(5\)\(b\)](#); and

2359 (ii) that is registered in the state of Utah;

2360 (b) the applicant remits an application and all fees required under this section; and

2361 (c) the department has clean fuel vehicle decals available subject to the limits  
2362 established by the department in accordance with Subsection [41-6a-702\(5\)\(b\)](#).

2363 (2) The department shall establish the clean fuel vehicle decal design in consultation  
2364 with the Utah Highway Patrol.

2365 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal  
2366 fee established by the department in accordance with Section [63J-1-504](#).

2367 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department  
2368 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

2369 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel  
2370 vehicle decal to a person who has been issued a clean fuel special group license plate prior to  
2371 July 1, 2011.

2372 (b) A person who applies to the department to receive a clean fuel vehicle decal permit  
2373 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under  
2374 Subsection (3).

2375 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle  
2376 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the  
2377 clean fuel vehicle decal.

2378 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle  
2379 decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the  
2380 high occupancy lane described in Subsection [41-6a-702\(5\)](#).

2381 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal

2382 shall:

2383 (i) in a manner consistent with Section 41-6a-1635, install on the windshield of the  
2384 motor vehicle the clean vehicle transponder issued by the department;

2385 [~~(i)~~] (ii) have in the person's immediate possession the clean fuel vehicle decal permit  
2386 issued by the department for the motor vehicle the person is operating; and

2387 [~~(ii)~~] (iii) present the permit upon demand of a peace officer.

2388 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2389 department shall make rules to administer the clean fuel vehicle decal program authorized in  
2390 this section.

2391 Section 25. Section **72-7-111** is enacted to read:

2392 **72-7-111. Storage of flammable, explosive, or combustible materials prohibited.**

2393 (1) As used in this section:

2394 (a) "Combustible" means a material capable of producing a usually rapid chemical  
2395 process that creates heat and usually light.

2396 (b) "Explosive" means any chemical compound mixture, or device, the primary or  
2397 common purpose of which is to function by explosion.

2398 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

2399 (2) A person may not keep, store, or stockpile any flammable, explosive, or  
2400 combustible material above ground directly beneath a bridge, overpass, viaduct, or tunnel  
2401 owned or operated by a highway authority or large public transit district.

2402 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

2403 Section 26. Section **72-10-203.5** is amended to read:

2404 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

2405 (1) For purposes of this section:

2406 (a) "Airport owner" means the municipality, county, or airport authority that owns one  
2407 or more airports.

2408 (b) "Extraterritorial airport" means an airport, including the airport facilities, real  
2409 estate, or other assets related to the operation of an airport, outside the municipality or county  
2410 and within the boundary of a different municipality or county.

2411 (2) (a) If an airport owner that owns an international airport also owns one or more  
2412 extraterritorial airports, the airport owner shall create and maintain an advisory board as

2413 described in this section.

2414 (b) The advisory board shall advise and consult the airport owner according to the  
2415 process set forth in ordinance, rule, or regulation of the airport owner.

2416 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,  
2417 appointed as follows:

2418 (i) one individual from each municipality or county in which an extraterritorial airport  
2419 is located, appointed:

2420 (A) according to an ordinance or policy in place in each municipality or county for  
2421 appointing individuals to a board, if any; or

2422 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief  
2423 executive officer of the municipality or county, with advice and consent from the legislative  
2424 body of the municipality or county in which the extraterritorial airport is located; and

2425 (ii) as many individuals as necessary, appointed by the chief executive officer of the  
2426 airport owner, with advice and consent from the legislative body of the airport owner, when  
2427 added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the  
2428 advisory board.

2429 (b) The airport owner shall ensure that members of the advisory board have the  
2430 following qualifications:

2431 (i) at least one member with experience in commercial or industrial construction  
2432 projects with a budget of at least \$10,000,000; and

2433 (ii) at least one member with experience in management and oversight of an entity with  
2434 an operating budget of at least \$10,000,000.

2435 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)~~] Subsection (4)(b), the  
2436 term of office for members of the advisory board shall be four years or until a successor is  
2437 appointed, qualified, seated, and has taken the oath of office.

2438 (ii) A member of the advisory board may serve two terms.

2439 (b) When a vacancy occurs on the board for any reason, the replacement shall be  
2440 appointed according to the procedures set forth in Subsection (3) for the member who vacated  
2441 the seat, and the replacement shall serve for the remainder of the unexpired term.

2442 (5) The advisory board shall select a chair of the advisory board.

2443 [~~(6) (a) For an airport owner that owns and operates an extraterritorial airport as of~~

2444 ~~March 9, 2017, that has an advisory board in place, the members of the advisory board may~~  
2445 ~~complete the member's respective current term on the advisory board.]~~

2446 ~~[(7) After March 9, 2017, and upon expiration of the current term of each member of~~  
2447 ~~the advisory board serving as of March 9, 2017, the airport owner shall ensure that the~~  
2448 ~~membership of the advisory board transitions to reflect the requirements of this section.]~~

2449 ~~[(7)] (6) (a)~~ The chief executive officer of each municipality or county in which an  
2450 extraterritorial airport is located, with the advice and consent of the respective legislative body  
2451 of the municipality or county, may create an extraterritorial airport advisory board to represent  
2452 the interests of the extraterritorial airport.

2453 (b) The extraterritorial airport advisory boards described in Subsection ~~[(7)(a)] (6)(a)~~  
2454 shall meet at least quarterly, and:

2455 (i) shall provide advisory support to the member of the advisory board representing the  
2456 municipality or county; and

2457 (ii) may advise in the request for proposals process of a fixed base operator for the  
2458 respective extraterritorial airport.

2459 ~~[(8)] (7)~~ The airport owner, in consultation with the airport advisory board, shall,  
2460 consistent with the requirements of federal law, study, produce an analysis, and advise  
2461 regarding the highest and best use and operational strategy for each airport, including all lands,  
2462 facilities, and assets owned by the airport owner.

2463 ~~[(9)] (8)~~ An airport owner, in consultation with the county auditor and the county  
2464 assessor of a county in which an extraterritorial airport is located, shall explore in good faith  
2465 whether a municipality or county where an extraterritorial airport is located receives  
2466 airport-related tax disbursements to which the municipality or county is entitled.

2467 ~~[(10)] (9)~~ An airport owner shall report annually to the Transportation Interim  
2468 Committee regarding the requirements in this section.

2469 Section 27. Section **72-10-205.5** is amended to read:

2470 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**

2471 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

2472 (i) remains in an idle state on airport property for 45 consecutive calendar days;

2473 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and

2474 (iii) is not in the process of actively being repaired.



- 2475 (b) "Abandoned aircraft" does not include an aircraft:
- 2476 (i) (A) that has current FAA registration; and
- 2477 [~~(ii)~~] (B) that has current state registration; or
- 2478 [~~(iii)~~] (ii) for which evidence is shown indicating repairs are in process, including:
- 2479 (A) receipts for parts and labor; or
- 2480 (B) a statement from a mechanic making the repairs.
- 2481 (2) An airport operator may take possession and dispose of an abandoned aircraft in
- 2482 accordance with Subsections (3) through (5).
- 2483 (3) Upon determining that an aircraft located on airport property is abandoned, the
- 2484 airport operator shall:
- 2485 (a) send, by registered mail, a notice containing the information described in
- 2486 Subsection (4) to the last known address of the last registered owner of the aircraft; and
- 2487 (b) publish a notice containing the information described in Subsection (4) in a
- 2488 newspaper of general circulation in the county where the airport is located if:
- 2489 (i) the owner or the address of the owner of the aircraft is unknown; or
- 2490 (ii) the mailed notice is returned to the airport operator without a forwarding address.
- 2491 (4) The notice described in Subsection (3) shall include:
- 2492 (a) the name, if known, and the last known address, if any, of the last registered owner
- 2493 of the aircraft;
- 2494 (b) a description of the aircraft, including the identification number, the location of the
- 2495 aircraft, and the date the aircraft is determined abandoned;
- 2496 (c) a statement describing the specific grounds for the determination that the aircraft is
- 2497 abandoned;
- 2498 (d) the amount of any accrued or unpaid airport charges; and
- 2499 (e) a statement indicating that the airport operator intends to take possession and
- 2500 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
- 2501 property, after payment in full of any charges described in Subsection (4)(d), within the later
- 2502 of:
- 2503 (i) 30 days after the day on which the notice is sent in accordance with Subsection
- 2504 (3)(a); or
- 2505 (ii) 30 days after the day on which the notice is published in accordance with

2506 Subsection (3)(b), if applicable.

2507 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport  
2508 property, after payment in full of any charges described in Subsection (4)(d), within the time  
2509 specified in Subsection (4)(e):

2510 (a) the abandoned aircraft becomes the property of the airport operator; and

2511 (b) the airport operator may dispose of the abandoned aircraft:

2512 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

2513 (ii) in accordance with any other lawful method or procedure established by rule or

2514 ordinance adopted by the airport operator.

2515 (6) If an airport operator complies with the provisions of this section, the airport  
2516 operator is immune from liability for the seizure and disposal of an abandoned aircraft in  
2517 accordance with this section.

2518 Section 28. Section **72-17-101** is amended to read:

2519 **72-17-101. Office of Rail Safety -- Creation -- Applicability.**

2520 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there  
2521 is created within the department an Office of Rail Safety.

2522 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of  
2523 Rail Safety, the executive director shall:

2524 (a) enter into an agreement with the Federal Railroad Administration to participate in  
2525 inspection and investigation activities; and

2526 (b) obtain certification from the Federal Railroad Administration to undertake  
2527 inspection and investigative responsibilities and duties.

2528 (3) In establishing the Office of Rail Safety in accordance with the duties described in  
2529 49 C.F.R. Part 212, the department may hire personnel and establish the duties of the office in  
2530 phases.

2531 (4) This [~~chapter~~] part applies to:

2532 (a) a class I railroad; and

2533 (b) commuter rail.

2534 Section 29. Section **72-17-102** is amended to read:

2535 **72-17-102. Definitions.**

2536 As used in this [~~chapter~~] part:

2537 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.

2538 (2) "Commuter rail" means the same as that term is defined in Section 63N-3-602.

2539 (3) "Federal Railroad Administration" means the Federal Railroad Administration  
2540 created in 49 U.S.C. Sec. 103.

2541 (4) "Office" means the Office of Rail Safety created in accordance with Section  
2542 72-17-101.

2543 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.  
2544 Section 30. Section 77-11d-105 is amended to read:

2545 **77-11d-105. Disposition of unclaimed property.**

2546 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or  
2547 if the owner of the property is determined and notified, and fails to appear and claim the  
2548 property after three months of the property's receipt by the local law enforcement agency, the  
2549 agency shall:

2550 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public  
2551 Legal Notice Website established in Subsection 45-1-101(2)(b);

2552 (ii) post a similar notice on the public website of the political subdivision within which  
2553 the law enforcement agency is located; and

2554 (iii) post a similar notice in a public place designated for notice within the law  
2555 enforcement agency.

2556 (b) The notice shall:

2557 (i) give a general description of the item; and

2558 (ii) the date of intended disposition.

2559 (c) The agency may not dispose of the lost or mislaid property until at least eight days  
2560 after the date of publication and posting.

2561 (2) (a) If no claim is made for the lost or mislaid property within nine days of  
2562 publication and posting, the agency shall notify the person who turned the property over to the  
2563 local law enforcement agency, if it was turned over by a person under Section 77-11d-103.

2564 (b) Except as provided in Subsection (4), if that person has complied with the  
2565 provisions of this chapter, the person may take the lost or mislaid property if the person:

2566 (i) pays the costs incurred for advertising and storage; and

2567 (ii) signs a receipt for the item.

2568 (3) If the person who found the lost or mislaid property fails to take the property under  
2569 the provisions of this chapter, the agency shall:

2570 (a) apply the property to a public interest use as provided in Subsection (4);

2571 (b) sell the property at public auction and apply the proceeds of the sale to a public  
2572 interest use; or

2573 (c) destroy the property if it is unfit for a public interest use or sale.

2574 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency  
2575 having possession of the property shall obtain from the agency's legislative body:

2576 [(a)] (i) permission to apply the property to a public interest use; and

2577 [(b)] (ii) the designation and approval of the public interest use of the property.

2578 (b) If the agency is a private law enforcement agency as defined in Subsection  
2579 53-19-102(4), the agency may apply the lost or mislaid property to a public interest use as  
2580 provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the  
2581 legislative body of the municipality in which the agency is located.

2582 (5) Any person employed by a law enforcement agency who finds property may not  
2583 claim or receive property under this section.

2584 Section 31. **Effective date.**

2585 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2586 (2) (a) The actions affecting Section 59-12-103 (Effective July 1, 2024) take effect on  
2587 July 1, 2024.

2588 (b) The actions affecting Section 59-12-103 (Contingently Effective 01/01/25)  
2589 contingently take effect on January 1, 2025.