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TRANSPORTATION AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Wayne A. Harper
House Sponsor: Kay J. Christofferson

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- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;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;
- ▶ allows the Driver License Division to verify certain information related to the Transportation Security Administration Registered Traveler program;
- ▶ 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;
- ▶ requires a person challenging a dedication of a public highway through continuous use to first notify the relevant highway authority before filing suit;
- ▶ amends the definition of abandoned aircraft; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15

32 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22

33 **17B-2a-807.2**, as last amended by Laws of Utah 2022, Chapter 259

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 372

38 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2

39 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88

40 **53-3-102**, as last amended by Laws of Utah 2023, Chapters 296, 328

41 **53-3-109**, as last amended by Laws of Utah 2023, Chapter 219

42 **59-13-103**, as last amended by Laws of Utah 2020, Chapter 373

43 **72-1-201**, as last amended by Laws of Utah 2023, Chapter 432

44 **72-1-203**, as last amended by Laws of Utah 2023, Chapters 22, 219

45 **72-1-216**, as last amended by Laws of Utah 2021, Chapter 280

46 **72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219

47 **72-2-124**, as last amended by Laws of Utah 2023, Chapters 22, 88, 219, and 529

48 **72-3-202**, as last amended by Laws of Utah 2013, Chapter 14

49 **72-3-203**, as last amended by Laws of Utah 2013, Chapter 14

50 **72-3-204**, as last amended by Laws of Utah 2013, Chapter 14

51 **72-3-205**, as last amended by Laws of Utah 2013, Chapter 14

52 **72-3-206**, as last amended by Laws of Utah 2013, Chapter 14

53 **72-5-104**, as last amended by Laws of Utah 2020, Chapter 293

54 **72-6-118**, as last amended by Laws of Utah 2020, Chapter 377

55 **72-6-121**, as last amended by Laws of Utah 2023, Chapter 299

56 **72-10-203.5**, as enacted by Laws of Utah 2017, Chapter 301

57 **72-10-205.5**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

58 **72-17-101**, as enacted by Laws of Utah 2023, Chapter 42

59 **72-17-102**, as enacted by Laws of Utah 2023, Chapter 42

60 **77-11d-105**, as renumbered and amended by Laws of Utah 2023, Chapter 448

61 ENACTS:

62 **41-1a-523**, as Utah Code Annotated 1953

63 **72-7-111**, as Utah Code Annotated 1953

64

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

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

67 **17B-2a-804 . Additional public transit district powers.**

68 (1) In addition to the powers conferred on a public transit district under Section 17B-1-103,
69 a public transit district may:

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

72 (b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817,
73 levy and collect property taxes only for the purpose of paying:

74 (i) principal and interest of bonded indebtedness of the public transit district; or

75 (ii) a final judgment against the public transit district if:

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

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

79 (c) insure against:

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

82 (ii) public liability;

83 (iii) property damage; or

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

85 (d) subject to Section [~~72-1-202~~] 72-1-203 pertaining to fixed guideway capital
86 development within a large public transit district, acquire, contract for, lease,
87 construct, own, operate, control, or use:

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

90 or

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

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

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

- 96 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
- 97 (g) accept a grant, contribution, or loan, directly through the sale of securities or
- 98 equipment trust certificates or otherwise, from the United States, or from a
- 99 department, instrumentality, or agency of the United States;
- 100 (h) study and plan transit facilities in accordance with any legislation passed by
- 101 Congress;
- 102 (i) cooperate with and enter into an agreement with the state or an agency of the state or
- 103 otherwise contract to finance to establish transit facilities and equipment or to study
- 104 or plan transit facilities;
- 105 (j) subject to Subsection [~~17B-2a-808.1(5)~~], 17B-2a-808.1(4), issue bonds as provided in
- 106 and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of
- 107 the district;
- 108 (k) from bond proceeds or any other available funds, reimburse the state or an agency of
- 109 the state for an advance or contribution from the state or state agency;
- 110 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
- 111 under federal law, including complying with labor standards and making
- 112 arrangements for employees required by the United States or a department,
- 113 instrumentality, or agency of the United States;
- 114 (m) sell or lease property;
- 115 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
- 116 transit-supportive developments;
- 117 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner
- 118 or member in a development with limited liabilities in accordance with Subsection
- 119 (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and, in
- 120 accordance with Subsection (3), transit-oriented developments or transit-supportive
- 121 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
- 124 project 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

- 130 manners 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
133 under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other
134 investor in the entity, makes an equity contribution equal to no less than 25% of the
135 appraised value of the property 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
138 affordable housing.
- 139 (ii) For transit-supportive development projects, a public transit district shall work
140 with the metropolitan planning organization and city and county governments
141 where the project is located to collaboratively seek to create joint plans for the
142 areas within one-half mile of transit stations, including plans for affordable
143 housing.
- 144 (d) A current board member of a public transit district to which the board member is
145 appointed may not have any interest in the transactions engaged in by the public
146 transit district pursuant to Subsection (1)(p)(i) or (ii), except as may be required by
147 the board member's fiduciary duty as a board member.
- 148 (3) For any transit-oriented development or transit-supportive development authorized in
149 this section, the public transit district shall:
- 150 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the
151 development, including effect on:
- 152 (i) service and ridership;
- 153 (ii) regional plans made by the metropolitan planning agency;
- 154 (iii) the local economy;
- 155 (iv) the environment and air quality;
- 156 (v) affordable housing; and
- 157 (vi) integration with other modes of transportation;
- 158 (b) provide evidence to the public of a quantifiable positive return on investment,
159 including improvements to public transit service; and
- 160 (c) coordinate with the Department of Transportation in accordance with Section [
161 ~~72-1-202~~] 72-1-203 pertaining to fixed guideway capital development and associated
162 parking facilities within a station area plan for a transit oriented development within a
163 large public transit district.

- 164 (4) For any fixed guideway capital development project with oversight by the Department
 165 of Transportation as described in Section [~~72-1-202~~] 72-1-203, a large public transit
 166 district shall coordinate with the Department of Transportation in all aspects of the
 167 project, including planning, project development, outreach, programming,
 168 environmental studies and impact statements, impacts on public transit operations, and
 169 construction.
- 170 (5) A public transit district may participate in a transit-oriented development only if:
 171 (a) for a transit-oriented development involving a municipality:
 172 (i) the relevant municipality has developed and adopted a station area plan; and
 173 (ii) the municipality is in compliance with Sections 10-9a-403 and 10-9a-408
 174 regarding the inclusion of moderate income housing in the general plan and the
 175 required reporting requirements; or
 176 (b) for a transit-oriented development involving property in an unincorporated area of a
 177 county, the county is in compliance with Sections 17-27a-403 and 17-27a-408
 178 regarding inclusion of moderate income housing in the general plan and required
 179 reporting requirements.
- 180 (6) A public transit district may be funded from any combination of federal, state, local, or
 181 private funds.
- 182 (7) A public transit district may not acquire property by eminent domain.

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

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

- 188 (1) The state or an agency of the state may:
 189 (a) make public contributions to a public transit district as in the judgment of the
 190 Legislature or governing board of the agency are necessary or proper;
 191 (b) authorize a public transit district to perform, or aid and assist a public transit district
 192 in performing, an activity that the state or agency is authorized by law to perform; or
 193 (c) perform any action that the state agency is authorized by law to perform for the
 194 benefit of a public transit district.
- 195 (2) (a) A county or municipality involved in the establishment and operation of a public
 196 transit district may provide funds necessary for the operation and maintenance of the
 197 district.

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

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

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

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

207 (b) The comptroller of a public transit district shall report the criteria and data
208 supporting the allocation of resources and funds in the statement required in Section
209 17B-2a-812.

210 Section 3. Section **17B-2a-807.2** is amended to read:

211 **17B-2a-807.2 . Existing large public transit district board of trustees --**

212 **Appointment -- Quorum -- Compensation -- Terms.**

213 (1) (a) (i) For a large public transit district created before January 1, 2019, and except
214 as provided in Subsection (7), the board of trustees shall consist of three members
215 appointed as described in Subsection (1)(b).

216 (ii) For purposes of a large public transit district created before January 1, 2019, the
217 nominating regions are as follows:

218 (A) a central region that is Salt Lake County;

219 (B) a southern region that is comprised of Utah County and the portion of Tooele
220 County that is part of the large public transit district; and

221 (C) a northern region that is comprised of Davis County, Weber County, and the
222 portion of Box Elder County that is part of the large public transit district.

223 (iii) (A) If a large public transit district created before January 1, 2019, annexes an
224 additional county into the large public transit district pursuant to Section
225 17B-1-402, following the issuance of the certificate of annexation by the
226 lieutenant governor, the political subdivisions making up the large public
227 transit district shall submit to the Legislature for approval a proposal for the
228 creation of three regions for nominating members to the board of trustees of the
229 large public transit district.

230 (B) If a large public transit district created before January 1, 2019, has a change to
231 the boundaries of the large public transit district, the Legislature, after

232 receiving and considering the proposal described in Subsection (1)(a)(iii)(A),
233 shall designate the three regions for nominating members to the board of
234 trustees of the large public transit district.

235 (b) (i) Except as provided in Subsection (5), the governor, with advice and consent of
236 the Senate, shall appoint the members of the board of trustees, making:

237 (A) one appointment from individuals nominated from the central region as
238 described in Subsection (2);

239 (B) one appointment from individuals nominated from the southern region
240 described in Subsection (3); and

241 (C) one appointment from individuals nominated from the northern region
242 described in Subsection (4).

243 (2) For the appointment from the central region, the governor shall appoint one individual
244 selected from five individuals nominated as follows:

245 (a) two individuals nominated by the council of governments of Salt Lake County; and

246 (b) three individuals nominated by the mayor of Salt Lake County, with approval of the
247 Salt Lake County council.

248 (3) For the appointment from the southern region, the governor shall appoint one individual
249 selected from five individuals nominated as follows:

250 (a) two individuals nominated by the council of governments of Utah County;

251 (b) two individuals nominated by the county commission of Utah County; and

252 (c) one individual nominated by the county [~~commission~~] legislative body of Tooele
253 County.

254 (4) For the appointment from the northern region, the governor shall appoint one individual
255 selected from five individuals nominated as follows:

256 (a) one individual nominated by the council of governments of Davis County;

257 (b) one individual nominated by the council of governments of Weber County;

258 (c) one individual nominated by the county commission of Davis County;

259 (d) one individual nominated by the county commission of Weber County; and

260 (e) one individual nominated by the county commission of Box Elder County.

261 (5) (a) The nominating counties described in Subsections (2) through (4) shall ensure
262 that nominations are submitted to the governor no later than June 1 of each respective
263 nominating year.

264 (b) If the governor fails to appoint one of the individuals nominated as described in
265 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the

- 266 following appointment procedures apply:
- 267 (i) for an appointment for the central region, the Salt Lake County council shall
- 268 appoint an individual, with confirmation by the Senate;
- 269 (ii) for an appointment for the southern region, the Utah County commission shall
- 270 appoint an individual, in consultation with the Tooele County [~~commission~~]
- 271 legislative body, with confirmation by the Senate; and
- 272 (iii) for an appointment for the northern region, the Davis County commission and
- 273 the Weber County commission, collectively, and in consultation with the Box
- 274 Elder County commission, shall appoint an individual, with confirmation by the
- 275 Senate.
- 276 (6) (a) Each nominee shall be a qualified executive with technical and administrative
- 277 experience and training appropriate for the position.
- 278 (b) The board of trustees of a large public transit district shall be full-time employees of
- 279 the public transit district.
- 280 (c) The compensation package for the board of trustees shall be determined by the local
- 281 advisory council as described in Section 17B-2a-808.2.
- 282 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit
- 283 district, "quorum" means at least two members of the board of trustees.
- 284 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.
- 285 (iii) A meeting of a quorum of a board of trustees of a large public transit district is
- 286 subject to Section 52-4-103 regarding convening of a three-member board of
- 287 trustees and what constitutes a public meeting.
- 288 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public
- 289 transit district shall serve for a term of four years.
- 290 (b) A member of the board of trustees may serve an unlimited number of terms.
- 291 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a term
- 292 of a member of the board of trustees, if the respective nominating entities and
- 293 individuals for the respective region described in Subsection (2), (3), or (4),
- 294 unanimously agree to retain the existing member of the board of trustees, the
- 295 respective nominating individuals or bodies described in Subsection (2), (3), or (4)
- 296 are not required to make nominations to the governor, and the governor may
- 297 reappoint the existing member to the board of trustees.
- 298 (8) Each member of the board of trustees of a large public transit district shall serve at the
- 299 pleasure of the governor.

- 300 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit district
 301 that is in place as of February 1, 2019, may remain in place.
- 302 (10) The governor shall designate one member of the board of trustees as chair of the board
 303 of trustees.
- 304 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
 305 individual shall occur in the same manner described in Subsection (2), (3), or (4),
 306 and, if applicable, Subsection (5), for the respective member of the board of trustees
 307 creating the vacancy.
- 308 (b) If a vacancy occurs on the board of trustees of a large public transit district, the
 309 respective nominating region shall nominate individuals to the governor as described
 310 in this section within 60 days after the vacancy occurs.
- 311 (c) If the respective nominating region does not nominate to fill the vacancy within 60
 312 days, the governor shall appoint an individual to fill the vacancy.
- 313 (d) A replacement board member shall serve for the remainder of the unexpired term,
 314 but may serve an unlimited number of terms as provided in Subsection (7)(b).

315 Section 4. Section **17B-2a-808.1** is amended to read:

316 **17B-2a-808.1 . Large public transit district board of trustees powers and duties --**

317 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

- 318 (1) The powers and duties of a board of trustees of a large public transit district stated in
 319 this section are in addition to the powers and duties stated in Section 17B-1-301.
- 320 (2) The board of trustees of each large public transit district shall:
- 321 (a) hold public meetings and receive public comment;
- 322 (b) ensure that the policies, procedures, and management practices established by the
 323 public transit district meet state and federal regulatory requirements and federal
 324 grantee eligibility;
- 325 (c) [~~subject to Subsection (8),~~] create and approve an annual budget, including the
 326 issuance of bonds and other financial instruments, after consultation with the local
 327 advisory council;
- 328 (d) approve any interlocal agreement with a local jurisdiction;
- 329 (e) in consultation with the local advisory council, approve contracts and overall
 330 property acquisitions and dispositions for transit-oriented development;
- 331 (f) in consultation with constituent counties, municipalities, metropolitan planning
 332 organizations, and the local advisory council:
- 333 (i) develop and approve a strategic plan for development and operations on at least a

- 334 four-year basis; and
- 335 (ii) create and pursue funding opportunities for transit capital and service initiatives
- 336 to meet anticipated growth within the public transit district;
- 337 (g) annually report the public transit district's long-term financial plan to the State
- 338 Bonding Commission;
- 339 (h) annually report the public transit district's progress and expenditures related to state
- 340 resources to the Executive Appropriations Committee and the Infrastructure and
- 341 General Government Appropriations Subcommittee;
- 342 (i) annually report to the Transportation Interim Committee the public transit district's
- 343 efforts to engage in public-private partnerships for public transit services;
- 344 (j) hire, set salaries, and develop performance targets and evaluations for:
- 345 (i) the executive director; and
- 346 (ii) all chief level officers;
- 347 (k) supervise and regulate each transit facility that the public transit district owns and
- 348 operates, including:
- 349 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
- 350 charges; and
- 351 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
- 352 connection with a transit facility that the district owns or controls;
- 353 (l) [~~subject to Subsection (4),~~] control the investment of all funds assigned to the district
- 354 for investment, including funds:
- 355 (i) held as part of a district's retirement system; and
- 356 (ii) invested in accordance with the participating employees' designation or direction
- 357 pursuant to an employee deferred compensation plan established and operated in
- 358 compliance with Section 457 of the Internal Revenue Code;
- 359 (m) in consultation with the local advisory council created under Section 17B-2a-808.2,
- 360 invest all funds according to the procedures and requirements of Title 51, Chapter 7,
- 361 State Money Management Act;
- 362 (n) if a custodian is appointed under Subsection (3)(d), [~~and subject to Subsection (4),~~]
- 363 pay the fees for the custodian's services from the interest earnings of the investment
- 364 fund for which the custodian is appointed;
- 365 (o) (i) cause an annual audit of all public transit district books and accounts to be
- 366 made by an independent certified public accountant;
- 367 (ii) as soon as practicable after the close of each fiscal year, submit to each of the

- 368 councils of governments within the public transit district a financial report
369 showing:
- 370 (A) the result of district operations during the preceding fiscal year;
 - 371 (B) an accounting of the expenditures of all local sales and use tax revenues
372 generated under Title 59, Chapter 12, Part 22, Local Option Sales and Use
373 Taxes for Transportation Act;
 - 374 (C) the district's financial status on the final day of the fiscal year; and
 - 375 (D) the district's progress and efforts to improve efficiency relative to the previous
376 fiscal year; and
- 377 (iii) supply copies of the report under Subsection (2)(o)(ii) to the general public upon
378 request;
- 379 (p) report at least annually to the Transportation Commission created in Section 72-1-301,
380 which report shall include:
- 381 (i) the district's short-term and long-range public transit plans, including the portions
382 of applicable regional transportation plans adopted by a metropolitan planning
383 organization established under 23 U.S.C. Sec. 134; and
 - 384 (ii) any transit capital development projects that the board of trustees would like the
385 Transportation Commission to consider;
- 386 (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct audits that
387 the board of trustees determines, in consultation with the local advisory council
388 created in Section 17B-2a-808.2, to be the most critical to the success of the
389 organization;
- 390 (r) together with the local advisory council created in Section 17B-2a-808.2, hear audit
391 reports for audits conducted in accordance with Subsection (2)(o);
- 392 (s) review and approve all contracts pertaining to reduced fares, and evaluate existing
393 contracts, including review of:
- 394 (i) how negotiations occurred;
 - 395 (ii) the rationale for providing a reduced fare; and
 - 396 (iii) identification and evaluation of cost shifts to offset operational costs incurred
397 and impacted by each contract offering a reduced fare;
- 398 (t) in consultation with the local advisory council, develop and approve other board
399 policies, ordinances, and bylaws; and
- 400 (u) review and approve any:
- 401 (i) contract or expense exceeding \$200,000; or

- 402 (ii) proposed change order to an existing contract if the change order:
403 (A) increases the total contract value to \$200,000 or more;
404 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or
405 (C) has a total change order value of \$200,000 or more.
- 406 (3) A board of trustees of a large public transit district may:
407 (a) subject to Subsection [~~(5)~~] (4), make and pass ordinances, resolutions, and orders that
408 are:
409 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
410 provisions of this part; and
411 (ii) necessary for:
412 (A) the governance and management of the affairs of the district;
413 (B) the execution of district powers; and
414 (C) carrying into effect the provisions of this part;
415 (b) provide by resolution, under terms and conditions the board considers fit, for the
416 payment of demands against the district without prior specific approval by the board,
417 if the payment is:
418 (i) for a purpose for which the expenditure has been previously approved by the
419 board;
420 (ii) in an amount no greater than the amount authorized; and
421 (iii) approved by the executive director or other officer or deputy as the board
422 prescribes;
423 (c) in consultation with the local advisory council created in Section 17B-2a-808.2:
424 (i) hold public hearings and subpoena witnesses; and
425 (ii) appoint district officers to conduct a hearing and require the officers to make
426 findings and conclusions and report them to the board; and
427 (d) appoint a custodian for the funds and securities under its control, subject to
428 Subsection (2)(n).
- 429 [~~(4) For a large public transit district in existence as of May 8, 2018, on or before~~
430 ~~September 30, 2019, the board of trustees of a large public transit district shall present a~~
431 ~~report to the Transportation Interim Committee regarding retirement benefits of the~~
432 ~~district, including:]~~
433 [~~(a) the feasibility of becoming a participating employer and having retirement benefits of~~
434 ~~eligible employees and officials covered in applicable systems and plans administered~~
435 ~~under Title 49, Utah State Retirement and Insurance Benefit Act;]~~

436 ~~[(b) any legal or contractual restrictions on any employees that are party to a collectively~~
 437 ~~bargained retirement plan; and]~~
 438 ~~[(e) a comparison of retirement plans offered by the large public transit district and~~
 439 ~~similarly situated public employees, including the costs of each plan and the value of the~~
 440 ~~benefit offered.]~~

441 ~~[(5)]~~ (4) The board of trustees may not issue a bond unless the board of trustees has
 442 consulted and received approval from the State Finance Review Commission created in
 443 Section 63C-25-201.

444 ~~[(6)]~~ (5) A member of the board of trustees of a large public transit district or a hearing
 445 officer designated by the board may administer oaths and affirmations in a district
 446 investigation or proceeding.

447 ~~[(7)]~~ (6) (a) The vote of the board of trustees on each ordinance or resolution shall be by
 448 roll call vote with each affirmative and negative vote recorded.

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

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

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

456 ~~[(b) The budget described in Subsection (8)(a) shall include setting the salary of each of~~
 457 ~~the members of the board of trustees that will assume control on or before November 1,~~
 458 ~~2018, which salary may not exceed \$150,000, plus additional retirement and other~~
 459 ~~standard benefits, as set by the local advisory council as described in Section~~
 460 ~~17B-2a-808.2.]~~

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

464 Section 5. Section **17B-2a-808.2** is amended to read:

465 **17B-2a-808.2 . Large public transit district local advisory council -- Powers and**
 466 **duties.**

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

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

- 470 (2)(b).
- 471 (ii) (A) For a large public transit district created after January 1, 2019, the political
472 subdivision or subdivisions forming the large public transit district shall submit
473 to the Legislature for approval a proposal for the appointments to the local
474 advisory council of the large public transit district similar to the appointment
475 process described in Subsection (2)(b).
- 476 (B) Upon approval of the Legislature, each nominating individual or body shall
477 appoint individuals to the local advisory council.
- 478 (b) (i) The council of governments of Salt Lake County shall appoint three members
479 to the local advisory council.
- 480 (ii) The mayor of Salt Lake City shall appoint one member to the local advisory
481 council.
- 482 (iii) The council of governments of Utah County shall appoint two members to the
483 local advisory council.
- 484 (iv) The council of governments of Davis County and Weber County shall each
485 appoint one member to the local advisory council.
- 486 (v) The councils of governments of Box Elder County and Tooele County shall
487 jointly appoint one member to the local advisory council.
- 488 (3) The local advisory council shall meet at least quarterly in a meeting open to the public
489 for comment to discuss the service, operations, and any concerns with the public transit
490 district operations and functionality.
- 491 (4) (a) The duties of the local advisory council shall include:
- 492 (i) setting the compensation packages of the board of trustees, which salary, except as
493 provided in Subsection (4)(b), may not exceed \$150,000 for a newly appointed
494 board member, plus additional retirement and other standard benefits;
- 495 (ii) reviewing, approving, and recommending final adoption by the board of trustees
496 of the large public transit district service plans at least every two and one-half
497 years;
- 498 (iii) except for a fixed guideway capital development project under the authority of
499 the Department of Transportation as described in Section [~~72-1-202~~] 72-1-203,
500 reviewing, approving, and recommending final adoption by the board of trustees
501 of project development plans, including funding, of all new capital development
502 projects;
- 503 (iv) reviewing, approving, and recommending final adoption by the board of trustees

504 of any plan for a transit-oriented development where a large public transit district
505 is involved;

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

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

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

512 (viii) other duties described in Section 17B-2a-808.1.

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

516 (5) The local advisory council shall meet at least quarterly with and consult with the board
517 of trustees and advise regarding the operation and management of the public transit
518 district.

519 Section 6. Section **17B-2a-810.1** is amended to read:

520 **17B-2a-810.1 . Attorney general as legal counsel for a large public transit district**
521 **-- Large public transit district may sue and be sued.**

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

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

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

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

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

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

536 [~~(3) (2) Sections 67-5-6 through [13, Attorney General Career Service Act,] 67-5-13 apply~~
537 ~~to representation of a large public transit district by the Utah attorney general.~~]

538 [(4)] (3) A large public transit district may sue, and it may be sued only on written contracts
539 made by it or under its authority.

540 [(5)] (4) In all matters requiring legal advice in the performance of the attorney general's
541 duties and in the prosecution or defense of any action growing out of the performance of
542 the attorney general's duties, the attorney general is the legal adviser of a large public
543 transit district and shall perform any and all legal services required by the large public
544 transit district.

545 [(6)] (5) The attorney general shall aid in any investigation, hearing, or trial under the
546 provisions of this part and institute and prosecute actions or proceedings for the
547 enforcement of the provisions of the Constitution and statutes of this state or any rule or
548 ordinance of the large public transit district affecting and related to public transit,
549 persons, and property.

550 Section 7. Section **41-1a-523** is enacted to read:

551 **41-1a-523 . Electronic titling.**

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

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

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

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

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

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

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

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

562 Section 8. Section **41-1a-1201** is amended to read:

563 **41-1a-1201 . Disposition of fees.**

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

566 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections 41-1a-1205,
567 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees collected
568 under this part shall be deposited into the Transportation Fund.

569 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9), and
570 Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created
571 in Section 41-1a-122.

- 572 (4) (a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the
573 expenses of the commission in enforcing and administering this part shall be
574 provided for by legislative appropriation from the revenues of the Transportation
575 Fund.
- 576 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
577 and (b) for each vehicle registered for a six-month registration period under Section
578 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing
579 and administering this part.
- 580 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for
581 each vintage vehicle that has a model year of [~~1981~~] 1983 or newer may be used by
582 the commission to cover the costs incurred in enforcing and administering this part.
- 583 (5) (a) The following portions of the registration fees imposed under Section 41-1a-1206
584 for each vehicle shall be deposited into the Transportation Investment Fund of 2005
585 created in Section 72-2-124:
- 586 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
587 (1)(f), (4), and (7);
- 588 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and
589 (1)(c)(ii);
- 590 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
- 591 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
- 592 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and
593 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).
- 594 (b) The following portions of the registration fees collected for each vehicle registered
595 for a six-month registration period under Section 41-1a-215.5 shall be deposited into
596 the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 597 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
598 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 599 (6) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206
600 (1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
601 Account created in Section 53-3-106.
- 602 (b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206
603 (2)(a) and (b) for each vehicle registered for a six-month registration period under
604 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account
605 created in Section 53-3-106.

- 606 (7) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
 607 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact
 608 Restricted Account created in Section 53-8-214.
- 609 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and
 610 (b) for each vehicle registered for a six-month registration period under Section
 611 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted
 612 Account created in Section 53-8-214.
- 613 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each
 614 motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section
 615 26B-1-319.
- 616 (9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each
 617 registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural
 618 Transportation Infrastructure Fund created in Section 72-2-133.
- 619 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described
 620 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the
 621 previous year and adding an amount equal to the greater of:
- 622 (i) an amount calculated by multiplying the amount deposited by the previous year by
 623 the actual percentage change during the previous fiscal year in the Consumer Price
 624 Index; and
- 625 (ii) 0.
- 626 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the
 627 nearest 1 cent.
- 628 Section 9. Section **41-6a-201** is amended to read:
- 629 **41-6a-201 . Chapter relates to vehicles on highways -- Exceptions.**
- 630 The provisions of this chapter relating to the operation of vehicles refer exclusively to
 631 the operation of vehicles upon highways, except:
- 632 (1) when a different place is specifically identified; ~~[or]~~
- 633 (2) under the provisions of Section 41-6a-210, Part 4, Accident Responsibilities, and Part 5,
 634 Driving Under the Influence and Reckless Driving, which apply upon highways and
 635 elsewhere throughout the state~~[-]~~ ; or
- 636 (3) on private roads within the confines of a campus of a private institution of higher
 637 education that has a certified private law enforcement agency, as authorized by
 638 Subsection 53-19-202(1)(b).
- 639 Section 10. Section **41-22-2** is amended to read:

640 **41-22-2 . Definitions.**

641 As used in this chapter:

- 642 (1) "Advisory council" means an advisory council appointed by the Division of Outdoor
643 Recreation that has within the advisory council's duties advising on policies related to
644 the use of off-highway vehicles.
- 645 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having
646 an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure
647 tires, having a seat designed to be straddled by the operator, and designed for or capable
648 of travel over unimproved terrain.
- 649 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,
650 traveling on four or more low pressure tires, having a steering wheel, non-straddle
651 seating, a rollover protection system, and designed for or capable of travel over
652 unimproved terrain, and is:
- 653 (i) an electric-powered vehicle; or
 - 654 (ii) a vehicle powered by an internal combustion engine and has an unladen dry
655 weight of 3,500 pounds or less.
- 656 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry
657 a person with a disability, any vehicle not specifically designed for recreational use,
658 or farm tractors as defined under Section 41-1a-102.
- 659 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in
660 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved
661 terrain.
- 662 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to
663 carry a person with a disability, any vehicle not specifically designed for recreational
664 use, or farm tractors as defined under Section 41-1a-102.
- 665 (5) "Commission" means the Outdoor Adventure Commission.
- 666 (6) "Cross-country" means across natural terrain and off an existing highway, road, route,
667 or trail.
- 668 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at
669 wholesale or retail.
- 670 (8) "Division" means the Division of Outdoor Recreation.
- 671 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for
672 use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure
673 of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

- 674 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway
675 vehicles.
- 676 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.
677 (b) "Motor vehicle" includes an off-highway vehicle.
- 678 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator
679 and designed to travel on not more than two tires.
- 680 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,
681 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is
682 used by the owner or the owner's agent for agricultural operations.
- 683 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain
684 type II vehicle, all-terrain type III vehicle, or motorcycle.
- 685 (15) "Operate" means to control the movement of or otherwise use an off-highway vehicle.
- 686 (16) "Operator" means the person who is in actual physical control of an off-highway
687 vehicle.
- 688 (17) "Organized user group" means an off-highway vehicle organization incorporated as a
689 nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit
690 Corporation Act, for the purpose of promoting the interests of off-highway vehicle
691 recreation.
- 692 (18) "Owner" means a person, other than a person with a security interest, having a
693 property interest or title to an off-highway vehicle and entitled to the use and possession
694 of that vehicle.
- 695 (19) "Public land" means land owned or administered by any federal or state agency or any
696 political subdivision of the state.
- 697 (20) "Register" means the act of assigning a registration number to an off-highway vehicle.
- 698 (21) "Roadway" is used as defined in Section 41-6a-102.
- 699 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered
700 and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires, and
701 equipped with a saddle or seat for the use of the rider.
- 702 (23) "Street or highway" means the entire width between boundary lines of every way or
703 place of whatever nature, when any part of it is open to the use of the public for
704 vehicular travel.
- 705 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
706 defined in Section 41-6a-102.
- 707 Section 11. Section **53-3-102** is amended to read:

708 **53-3-102 . Definitions.**

709 As used in this chapter:

710 (1) "Autocycle" means a motor vehicle that:

711 (a) is designed to travel with three or fewer wheels in contact with the ground; and

712 (b) is equipped with:

713 (i) a steering mechanism;

714 (ii) seat belts; and

715 (iii) seating that does not require the operator to straddle or sit astride the motor

716 vehicle.

717 (2) "Cancellation" means the termination by the division of a license issued through error or

718 fraud or for which consent under Section 53-3-211 has been withdrawn.

719 (3) "Class D license" means the class of license issued to drive motor vehicles not defined

720 as commercial motor vehicles or motorcycles under this chapter.

721 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner permit:

722 (a) issued under Section 53-3-408; or

723 (b) issued by a state or other jurisdiction of domicile in compliance with the standards

724 contained in 49 C.F.R. Part 383.

725 (5) "Commercial driver license" or "CDL" means a license:

726 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. 99-570,

727 the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

728 Uniform Commercial Driver License Act, which authorizes the holder to drive a class

729 of commercial motor vehicle; and

730 (b) that was obtained by providing evidence of lawful presence in the United States with

731 one of the document requirements described in Subsection 53-3-410(1)(i)(i).

732 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a

733 driving record that:

734 (i) applies to a person who holds or is required to hold a commercial driver

735 instruction permit or a CDL license; and

736 (ii) contains the following:

737 (A) information contained in the driver history, including convictions, pleas held

738 in abeyance, disqualifications, and other licensing actions for violations of any

739 state or local law relating to motor vehicle traffic control, committed in any

740 type of vehicle;

741 (B) driver self-certification status information under Section 53-3-410.1; and

- 742 (C) information from medical certification record keeping in accordance with 49
743 C.F.R. Sec. 383.73(o).
- 744 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
745 motor vehicle record described in Subsection (30).
- 746 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
747 vehicles designed or used to transport passengers or property if the motor vehicle:
748 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more
749 pounds, or gross combination weight rating or gross combination weight of
750 26,001 or more pounds or a lesser rating as determined by federal regulation;
751 (ii) is designed to transport 16 or more passengers, including the driver; or
752 (iii) is transporting hazardous materials and is required to be placarded in accordance
753 with 49 C.F.R. Part 172, Subpart F.
- 754 (b) The following vehicles are not considered a commercial motor vehicle for purposes
755 of Part 4, Uniform Commercial Driver License Act:
756 (i) equipment owned and operated by the United States Department of Defense when
757 driven by any active duty military personnel and members of the reserves and
758 national guard on active duty including personnel on full-time national guard duty,
759 personnel on part-time training, and national guard military technicians and
760 civilians who are required to wear military uniforms and are subject to the code of
761 military justice;
762 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
763 machinery, or farm supplies to or from a farm within 150 miles of his farm but not
764 in operation as a motor carrier for hire;
765 (iii) firefighting and emergency vehicles;
766 (iv) recreational vehicles that are not used in commerce and are driven solely as
767 family or personal conveyances for recreational purposes; and
768 (v) vehicles used to provide transportation network services, as defined in Section
769 13-51-102.
- 770 (8) "Conviction" means any of the following:
771 (a) an unvacated adjudication of guilt or a determination that a person has violated or
772 failed to comply with the law in a court of original jurisdiction or an administrative
773 proceeding;
774 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance
775 in court;

- 776 (c) a plea of guilty or nolo contendere accepted by the court;
777 (d) the payment of a fine or court costs; or
778 (e) violation of a condition of release without bail, regardless of whether the penalty is
779 rebated, suspended, or probated.
- 780 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
781 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's
782 Security, do not apply.
- 783 (10) "Director" means the division director appointed under Section 53-3-103.
- 784 (11) "Disqualification" means either:
- 785 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state of
786 a person's privileges to drive a commercial motor vehicle;
- 787 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
788 that a person is no longer qualified to drive a commercial motor vehicle under 49
789 C.F.R. Part 391; or
- 790 (c) the loss of qualification that automatically follows conviction of an offense listed in
791 49 C.F.R. Part 383.51.
- 792 (12) "Division" means the Driver License Division of the department created in Section
793 53-3-103.
- 794 (13) "Downgrade" means to obtain a lower license class than what was originally issued
795 during an existing license cycle.
- 796 (14) "Drive" means:
- 797 (a) to operate or be in physical control of a motor vehicle upon a highway; and
798 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
799 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any
800 place within the state.
- 801 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a
802 motor vehicle in any location open to the general public for purposes of vehicular
803 traffic.
- 804 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
805 who is required to hold a CDL under Part 4, Uniform Commercial Driver License
806 Act, or federal law.
- 807 (16) "Driving privilege card" means the evidence of the privilege granted and issued under
808 this chapter to drive a motor vehicle to a person whose privilege was obtained without
809 providing evidence of lawful presence in the United States.

- 810 (17) "Electronic license certificate" means the evidence, in an electronic format as
811 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
812 vehicle.
- 813 (18) "Extension" means a renewal completed in a manner specified by the division.
- 814 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
815 implement for drawing plows, mowing machines, and other implements of husbandry.
- 816 (20) "Highway" means the entire width between property lines of every way or place of any
817 nature when any part of it is open to the use of the public, as a matter of right, for traffic.
- 818 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.
- 819 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to a
820 person for identification purposes.
- 821 (23) "Indigent" means that a person's income falls below the federal poverty guideline
822 issued annually by the United States Department of Health and Human Services in the
823 Federal Register.
- 824 (24) "License" means the privilege to drive a motor vehicle.
- 825 (25) (a) "License certificate" means the evidence of the privilege issued under this
826 chapter to drive a motor vehicle.
- 827 (b) "License certificate" evidence includes:
- 828 (i) a regular license certificate;
- 829 (ii) a limited-term license certificate;
- 830 (iii) a driving privilege card;
- 831 (iv) a CDL license certificate;
- 832 (v) a limited-term CDL license certificate;
- 833 (vi) a temporary regular license certificate;
- 834 (vii) a temporary limited-term license certificate; and
- 835 (viii) an electronic license certificate created in Section 53-3-235.
- 836 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 837 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
838 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with
839 Part 4, Uniform Commercial Driver License Act, which authorizes the holder to drive
840 a class of commercial motor vehicle; and
- 841 (b) that was obtained by providing evidence of lawful presence in the United States with
842 one of the document requirements described in Subsection 53-3-410(1)(i)(ii).
- 843 (27) "Limited-term identification card" means an identification card issued under this

- 844 chapter to a person whose card was obtained by providing evidence of lawful presence
845 in the United States with one of the document requirements described in Subsection
846 53-3-804(2)(i)(ii).
- 847 (28) "Limited-term license certificate" means the evidence of the privilege granted and
848 issued under this chapter to drive a motor vehicle to a person whose privilege was
849 obtained providing evidence of lawful presence in the United States with one of the
850 document requirements described in Subsection 53-3-205(8)(a)(ii)(B).
- 851 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 852 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection [~~53-3-109~~
853 ~~(6)(a)~~] 53-3-109(7)(a).
- 854 (31) "Motorboat" means the same as that term is defined in Section 73-18-2.
- 855 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle
856 for the use of the rider and designed to travel with not more than three wheels in contact
857 with the ground.
- 858 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
859 Section 26B-9-103.
- 860 (34) "Operate" means the same as that term is defined in Section 41-1a-102.
- 861 (35) (a) "Owner" means a person other than a lien holder having an interest in the
862 property or title to a vehicle.
- 863 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to a
864 security interest in another person but excludes a lessee under a lease not intended as
865 security.
- 866 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge, or
867 other financial penalty imposed on an individual by a court or other government entity.
- 868 (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:
869 (i) designed to transport 15 or fewer passengers, including the driver; and
870 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 871 (b) "Private passenger carrier" does not include:
872 (i) a taxicab;
873 (ii) a motor vehicle driven by a transportation network driver as defined in Section
874 13-51-102;
875 (iii) a motor vehicle driven for transportation network services as defined in Section
876 13-51-102; and
877 (iv) a motor vehicle driven for a transportation network company as defined in

878 Section 13-51-102 and registered with the Division of Consumer Protection as
879 described in Section 13-51-104.

880 (38) "Regular identification card" means an identification card issued under this chapter to
881 a person whose card was obtained by providing evidence of lawful presence in the
882 United States with one of the document requirements described in Subsection 53-3-804
883 (2)(i)(i).

884 (39) "Regular license certificate" means the evidence of the privilege issued under this
885 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of
886 lawful presence in the United States with one of the document requirements described in
887 Subsection 53-3-205(8)(a)(ii)(A).

888 (40) "Renewal" means to validate a license certificate so that it expires at a later date.

889 (41) "Reportable violation" means an offense required to be reported to the division as
890 determined by the division and includes those offenses against which points are assessed
891 under Section 53-3-221.

892 (42) (a) "Resident" means an individual who:

893 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
894 regardless of domicile, remains in this state for an aggregate period of six months
895 or more during any calendar year;

896 (ii) engages in a trade, profession, or occupation in this state, or who accepts
897 employment in other than seasonal work in this state, and who does not commute
898 into the state;

899 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
900 license certificate or motor vehicle registration; or

901 (iv) declares himself a resident of this state to obtain privileges not ordinarily
902 extended to nonresidents, including going to school, or placing children in school
903 without paying nonresident tuition or fees.

904 (b) "Resident" does not include any of the following:

905 (i) a member of the military, temporarily stationed in this state;

906 (ii) an out-of-state student, as classified by an institution of higher education,
907 regardless of whether the student engages in any type of employment in this state;

908 (iii) a person domiciled in another state or country, who is temporarily assigned in
909 this state, assigned by or representing an employer, religious or private
910 organization, or a governmental entity; or

911 (iv) an immediate family member who resides with or a household member of a

- 912 person listed in Subsections (42)(b)(i) through (iii).
- 913 (43) "Revocation" means the termination by action of the division of a licensee's privilege
914 to drive a motor vehicle.
- 915 (44) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,
916 primary, or secondary school students to and from home and school, or to and from
917 school sponsored events.
- 918 (b) "School bus" does not include a bus used as a common carrier as defined in Section
919 59-12-102.
- 920 (45) "Suspension" means the temporary withdrawal by action of the division of a licensee's
921 privilege to drive a motor vehicle.
- 922 (46) "Taxicab" means any class D motor vehicle transporting any number of passengers for
923 hire and that is subject to state or federal regulation as a taxi.
- 924 Section 12. Section **53-3-109** is amended to read:
- 925 **53-3-109 . Records -- Access -- Fees -- Rulemaking.**
- 926 (1) (a) Except as provided in this section, all records of the division shall be classified
927 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access
928 and Management Act.
- 929 (b) The division may disclose personal identifying information in accordance with 18
930 U.S.C. Chapter 123:
- 931 (i) to a licensed private investigator holding a valid agency license, with a legitimate
932 business need;
- 933 (ii) to an insurer, insurance support organization, or a self-insured entity, or its
934 agents, employees, or contractors that issues any motor vehicle insurance under
935 Title 31A, Chapter 22, Part 3, Motor Vehicle Insurance, for use in connection with
936 claims investigation activities, antifraud activities, rating, or underwriting for any
937 person issued a license certificate under this chapter;
- 938 (iii) to a depository institution as that term is defined in Section 7-1-103;
- 939 (iv) to the State Tax Commission for the purposes of tax fraud detection and
940 prevention and any other use required by law;
- 941 (v) subject to Subsection [~~(7)~~] (8), to the University of Utah for data collection in
942 relation to genetic and epidemiologic research; or
- 943 (vi) (A) to a government entity, including any court or law enforcement agency, to
944 fulfill the government entity's functions; or
- 945 (B) to a private person acting on behalf of a government entity to fulfill the

- 946 government entity's functions, if the division determines disclosure of the
947 information is in the interest of public safety.
- 948 (2) (a) A person who receives personal identifying information shall be advised by the
949 division that the person may not:
- 950 (i) disclose the personal identifying information from that record to any other person;
 - 951 or
 - 952 (ii) use the personal identifying information from that record for advertising or
953 solicitation purposes.
- 954 (b) Any use of personal identifying information by an insurer or insurance support
955 organization, or by a self-insured entity or its agents, employees, or contractors not
956 authorized by Subsection (1)(b)(ii) is:
- 957 (i) an unfair marketing practice under Section 31A-23a-402; or
 - 958 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).
- 959 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
960 may disclose portions of a driving record, in accordance with this Subsection (3), to:
- 961 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for
962 purposes of assessing driving risk on the insurer's current motor vehicle insurance
963 policyholders;
 - 964 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
965 record and status of current employees who drive as a responsibility of the
966 employee's employment if the requester demonstrates that the requester has
967 obtained the written consent of the individual to whom the information pertains;
968 and
 - 969 (iii) an employer or the employer's agents to obtain or verify information relating to a
970 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.
- 971 (b) A disclosure under Subsection (3)(a)(i) shall:
- 972 (i) include the licensed driver's name, driver license number, date of birth, and an
973 indication of whether the driver has had a moving traffic violation that is a
974 reportable violation, as defined under Section 53-3-102 during the previous month;
 - 975 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
976 under a motor vehicle insurance policy of the insurer; and
 - 977 (iii) be made under a contract with the insurer or a designee of an insurer.
- 978 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:
- 979 (i) include the licensed driver's name, driver license number, date of birth, and an

980 indication of whether the driver has had a moving traffic violation that is a
 981 reportable violation, as defined under Section 53-3-102, during the previous
 982 month;

983 (ii) be limited to the records of a current employee of an employer;

984 (iii) be made under a contract with the employer or a designee of an employer; and

985 (iv) include an indication of whether the driver has had a change reflected in the
 986 driver's:

987 (A) driving status;

988 (B) license class;

989 (C) medical self-certification status; or

990 (D) medical examiner's certificate under 49 C.F.R. Sec. 391.45.

991 (d) The contract under Subsection (3)(b)(iii) or (c)(iii) shall specify:

992 (i) the criteria for searching and compiling the driving records being requested;

993 (ii) the frequency of the disclosures;

994 (iii) the format of the disclosures, which may be in bulk electronic form; and

995 (iv) a reasonable charge for the driving record disclosures under this Subsection (3).

996 (4) (a) Notwithstanding Subsection (1)(a), the division may provide a "yes" or "no"

997 response to an electronically submitted request to verify information from a driver

998 license or identification card issued by the division if:

999 (i) the request is made by a private entity operating under the Transportation Security
 1000 Administration Registered Traveler program;

1001 (ii) the private entity implements the Transportation Security Administration
 1002 enrollment standards; and

1003 (iii) the program participant:

1004 (A) voluntarily provides the participant's division-issued identification to confirm
 1005 the participant's identity; and

1006 (B) consents to verification of the participant's name, date of birth, and home
 1007 address.

1008 (b) The data described in Subsection (4)(a)(iii)(B) may only be used to enroll or reenroll
 1009 the participant in the Transportation Security Administration Registered Traveler
 1010 program.

1011 (c) The division may not furnish a "yes" response under Subsection (4)(a) unless all data
 1012 fields match.

1013 [(4)] (5) The division may charge fees:

- 1014 (a) in accordance with Section 53-3-105 for searching and compiling its files or
1015 furnishing a report on the driving record of a person;
- 1016 (b) for each document prepared under the seal of the division and deliver upon request, a
1017 certified copy of any record of the division, and charge a fee set in accordance with
1018 Section 63J-1-504 for each document authenticated; ~~and~~
- 1019 (c) established in accordance with ~~[the procedures and requirements of]~~ Section
1020 63J-1-504, for disclosing personal identifying information under Subsection (1)(b)~~[-]~~ ;
1021 and
- 1022 (d) established in accordance with Section 63J-1-504, for each response under
1023 Subsection (4).
- 1024 ~~[(5)]~~ (6) Each certified copy of a driving record furnished in accordance with this section is
1025 admissible in any court proceeding in the same manner as the original.
- 1026 ~~[(6)]~~ (7) (a) A driving record furnished under this section may only report on the driving
1027 record of a person for a period of 10 years.
- 1028 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not apply to court or law enforcement reports, reports
1029 of commercial driver license violations, or reports for commercial driver license
1030 holders.
- 1031 ~~[(7)]~~ (8) (a) The division shall include on each application for or renewal of a license or
1032 identification card under this chapter:
- 1033 (i) the following notice: "The Driver License Division may disclose the information
1034 provided on this form to an entity described in Utah Code Ann. Subsection
1035 53-3-109(1)(b)(v).";
- 1036 (ii) a reference to the website described in Subsection ~~[(7)(b)]~~ (8)(b); and
- 1037 (iii) a link to the division website for:
- 1038 (A) information provided by the division, after consultation with the University of
1039 Utah, containing the explanation and description described in Subsection ~~[(7)(b)]~~
1040 (8)(b); and
- 1041 (B) an online form for the individual to opt out of the disclosure of personal
1042 identifying information [as] described in Subsection (1)(b)(v).
- 1043 (b) In consultation with the division, the University of Utah shall create a website that
1044 provides an explanation and description of:
- 1045 (i) what information may be disclosed by the division to the University of Utah under
1046 Subsection (1)(b)(v);
- 1047 (ii) the methods and timing of anonymizing the information;

- 1048 (iii) for situations where the information is not anonymized:
- 1049 (A) how the information is used;
- 1050 (B) how the information is secured;
- 1051 (C) how long the information is retained; and
- 1052 (D) who has access to the information;
- 1053 (iv) research and statistical purposes for which the information is used; and
- 1054 (v) other relevant details regarding the information.
- 1055 (c) The website created by the University of Utah described in Subsection ~~[(7)(b)]~~ (8)(b)
- 1056 shall include the following:
- 1057 (i) a link to the division website for an online form for the individual to opt out of the
- 1058 disclosure of personal identifying information as described in Subsection
- 1059 (1)(b)(v); and
- 1060 (ii) a link to an online form for the individual to affirmatively choose to remove,
- 1061 subject to Subsection ~~[(7)(e)(ii)]~~ (8)(e)(ii), personal identifying information from
- 1062 the database controlled by the University of Utah that was disclosed pursuant to
- 1063 Subsection (1)(b)(v).
- 1064 (d) In the course of business, the division shall provide information regarding the
- 1065 disclosure of personal identifying information, including providing on the division
- 1066 website:
- 1067 (i) a link to the website created under Subsection ~~[(7)(b)]~~ (8)(b) to provide individuals
- 1068 with information regarding the disclosure of personal identifying information
- 1069 under Subsection (1)(b)(v); and
- 1070 (ii) a link to the division website for:
- 1071 (A) information provided by the division, after consultation with the University of
- 1072 Utah, containing the explanation and description described in Subsection ~~[(7)(b)]~~
- 1073 (8)(b); and
- 1074 (B) an online form for the individual to opt out of the disclosure of personal
- 1075 identifying information as described in Subsection (1)(b)(v).
- 1076 (e) (i) The division may not disclose the personal identifying information under
- 1077 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in
- 1078 Subsection ~~[(7)(a)(iii)(B) or (7)(e)(i)]~~ (8)(a)(iii)(B) or (8)(c)(i).
- 1079 (ii) (A) Except as provided in Subsection ~~[(7)(e)(ii)(B);]~~ (8)(e)(ii)(B), if an
- 1080 individual makes a request as described in Subsection ~~[(7)(e)(ii);]~~ (8)(c)(ii), the
- 1081 University of Utah shall, within 90 days of receiving the request, remove and

- 1082 destroy the individual's personal identifying information received under
1083 Subsection (1)(b)(v) from a database controlled by the University of Utah.
- 1084 (B) The University of Utah is not required to remove an individual's personal
1085 identifying information as described in Subsection [~~(7)(e)(ii)(A)~~] (8)(e)(ii)(A)
1086 from data released to a research study before the date of the request described
1087 in Subsection [~~(7)(e)(ii)~~] (8)(c)(ii).
- 1088 (f) The University of Utah shall conduct a biennial internal information security audit of
1089 the information systems that store the data received pursuant to Subsection (1)(b)(v),
1090 and, beginning in the year 2023, provide a biennial report of the findings of the
1091 internal audit to the Transportation Interim Committee.
- 1092 [~~(8)~~] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1093 division may make rules to designate:
- 1094 (a) what information shall be included in a report on the driving record of a person;
1095 (b) the form of a report or copy of the report which may include electronic format;
1096 (c) the form of a certified copy, as required under Section 53-3-216, which may include
1097 electronic format;
1098 (d) the form of a signature required under this chapter which may include electronic
1099 format;
1100 (e) the form of written request to the division required under this chapter which may
1101 include electronic format;
1102 (f) the procedures, requirements, and formats for disclosing personal identifying
1103 information under Subsection (1)(b); and
1104 (g) the procedures, requirements, and formats necessary for the implementation of
1105 Subsection (3).
- 1106 [~~(9)~~] (10) (a) It is a class B misdemeanor for a person to knowingly or intentionally
1107 access, use, disclose, or disseminate a record created or maintained by the division or
1108 any information contained in a record created or maintained by the division for a
1109 purpose prohibited or not permitted by statute, rule, regulation, or policy of a
1110 governmental entity.
- 1111 (b) A person who discovers or becomes aware of any unauthorized use of records
1112 created or maintained by the division shall inform the commissioner and the division
1113 director of the unauthorized use.
- 1114 Section 13. Section **59-13-103** is amended to read:
1115 **59-13-103 . List of clean fuels provided to tax commission .**

1116 ~~[(1)]~~ The Air Quality Board shall annually provide to the tax commission a list of fuels that
 1117 are clean fuels under Section 59-13-102.

1118 ~~[(2) The Air Quality Board appointed under Section 19-2-103 shall in conjunction with the
 1119 State Tax Commission prepare and submit to the Legislature before January 1, 1995, a
 1120 report evaluating the impacts, benefits, and economic consequences of the clean fuel
 1121 provisions of Sections 59-13-201 and 59-13-301.]~~

1122 Section 14. Section **72-1-201** is amended to read:

1123 **72-1-201 . Creation of Department of Transportation -- Functions, powers,
 1124 duties, rights, and responsibilities.**

1125 (1) There is created the Department of Transportation which shall:

- 1126 (a) have the general responsibility for planning, research, design, construction,
 1127 maintenance, security, and safety of state transportation systems;
- 1128 (b) provide administration for state transportation systems and programs;
- 1129 (c) implement the transportation policies of the state;
- 1130 (d) plan, develop, construct, and maintain state transportation systems that are safe,
 1131 reliable, environmentally sensitive, and serve the needs of the traveling public,
 1132 commerce, and industry;
- 1133 (e) establish standards and procedures regarding the technical details of administration
 1134 of the state transportation systems as established by statute and administrative rule;
- 1135 (f) advise the governor and the Legislature about state transportation systems needs;
- 1136 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
 1137 installation, maintenance, operation, relocation, and upgrade of utilities within state
 1138 highway rights-of-way;
- 1139 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1140 make rules for the administration of the department, state transportation systems, and
 1141 programs;
- 1142 (i) jointly with the commission annually report to the Transportation Interim Committee,
 1143 by November 30 of each year, as to the operation, maintenance, condition, mobility,
 1144 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 1145 (j) ensure that any training or certification required of a public official or public
 1146 employee, as those terms are defined in Section 63G-22-102, complies with Title
 1147 63G, Chapter 22, State Training and Certification Requirements, if the training or
 1148 certification is required:
 - 1149 (i) under this title;

- 1150 (ii) by the department; or
- 1151 (iii) by an agency or division within the department;
- 1152 (k) study and make recommendations to the Legislature on potential managed lane use
- 1153 and implementation on selected transportation systems within the state; [~~and~~]
- 1154 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 1155 in Section 53-8-103 regarding:
- 1156 (i) future highway projects that will add additional capacity to the state transportation
- 1157 system;
- 1158 (ii) potential changes in law enforcement responsibilities due to future highway
- 1159 projects; and
- 1160 (iii) incident management services on state highways[-] ; and
- 1161 (m) provide public transit services, in consultation with any relevant public transit
- 1162 provider.
- 1163 (2) (a) The department shall exercise reasonable care in designing, constructing, and
- 1164 maintaining a state highway in a reasonably safe condition for travel.
- 1165 (b) Nothing in this section shall be construed as:
- 1166 (i) creating a private right of action; or
- 1167 (ii) expanding or changing the department's common law duty as described in
- 1168 Subsection (2)(a) for liability purposes.
- 1169 Section 15. Section **72-1-203** is amended to read:
- 1170 **72-1-203 . Deputy director -- Appointment -- Qualifications -- Other assistants**
- 1171 **and advisers -- Salaries.**
- 1172 (1) The executive director shall appoint the following deputy directors, who shall serve at
- 1173 the discretion of the executive director:
- 1174 (a) the deputy director of engineering and operation, who shall be a registered
- 1175 professional engineer in the state, and who shall be the chief engineer of the
- 1176 department; and
- 1177 (b) the deputy director of planning and investment.
- 1178 (2) As assigned by the executive director, the deputy directors described in Subsection (1)
- 1179 may assist the executive director with the following departmental responsibilities:
- 1180 (a) project development, including statewide standards for project design and
- 1181 construction, right-of-way, materials, testing, structures, and construction;
- 1182 (b) oversight of the management of the region offices described in Section 72-1-205;
- 1183 (c) operations and traffic management;

- 1184 (d) oversight of operations of motor carriers and ports;
 1185 (e) transportation systems safety;
 1186 (f) aeronautical operations;
 1187 (g) equipment for department engineering and maintenance functions;
 1188 (h) oversight and coordination of planning, including:
 1189 (i) development of statewide strategic initiatives for planning across all modes of
 1190 transportation;
 1191 (ii) coordination with metropolitan planning organizations and local governments;
 1192 (iii) coordination with a large public transit district, including planning, project
 1193 development, outreach, programming, environmental studies and impact
 1194 statements, construction, and impacts on public transit operations; and
 1195 (iv) corridor and area planning;
 1196 (i) asset management;
 1197 (j) programming and prioritization of transportation projects;
 1198 (k) fulfilling requirements for environmental studies and impact statements;
 1199 (l) resource investment, including identification, development, and oversight of
 1200 public-private partnership opportunities;
 1201 (m) data analytics services to the department;
 1202 (n) corridor preservation;
 1203 (o) employee development;
 1204 (p) maintenance planning;
 1205 (q) oversight and facilitation of the negotiations and integration of public transit
 1206 providers described in Section 17B-2a-827;
 1207 (r) oversight and supervision of any fixed guideway capital development project within
 1208 the boundaries of a large public transit district for which any state funds are
 1209 expended, including those responsibilities described in Subsections (2)(a), (h), (j),
 1210 (k), and (l), and the implementation and enforcement of any federal grant obligations
 1211 associated with fixed guideway capital development project funding; and
 1212 (s) other departmental responsibilities as determined by the executive director.
 1213 (3) The executive director shall ensure that the same deputy director does not oversee or
 1214 supervise both the fixed guideway capital development responsibilities described in
 1215 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities,
 1216 including the responsibilities described in Section 72-1-214.
 1217 Section 16. Section **72-1-216** is amended to read:

1218 **72-1-216 . Statewide electric vehicle charging network plan -- Report.**

- 1219 (1) (a) The department, in consultation with relevant entities in the private sector, shall
1220 develop a statewide electric vehicle charging network plan.
- 1221 (b) To develop the statewide electric vehicle charging network plan, the department
1222 shall consult with political subdivisions and other relevant state agencies, divisions,
1223 and entities, including:
- 1224 (i) the Department of Environmental Quality created in Section 19-1-104;
1225 (ii) the Division of Facilities Construction and Management created in Section
1226 63A-5b-301;
1227 (iii) the Office of Energy Development created in Section 79-6-401; and
1228 (iv) the Department of Natural Resources created in Section 79-2-201.
- 1229 (2) The statewide electric vehicle charging network plan shall provide implementation
1230 strategies to ensure that electric vehicle charging stations are available:
- 1231 (a) at strategic locations as determined by the department [by June 30, 2021];
1232 (b) at incremental distances no greater than every 50 miles along the state's interstate
1233 highway system by December 31, 2025; and
1234 (c) along other major highways within the state as the department finds appropriate.
- 1235 [~~(3) The department shall provide a report before November 30, 2020, to the
1236 Transportation Interim Committee to outline the statewide electric vehicle charging
1237 network plan.]~~

1238 Section 17. Section **72-1-304** is amended to read:

1239 **72-1-304 . Written project prioritization process for new transportation capacity**
1240 **projects -- Rulemaking.**

- 1241 (1) (a) The Transportation Commission, in consultation with the department and the
1242 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a
1243 written prioritization process for the prioritization of:
- 1244 (i) new transportation capacity projects that are or will be part of the state highway
1245 system under Chapter 4, Part 1, State Highways;
- 1246 (ii) paved pedestrian or paved nonmotorized transportation projects described in
1247 Section 72-2-124;
- 1248 (iii) public transit projects that directly add capacity to the public transit systems
1249 within the state, not including facilities ancillary to the public transit system; and
1250 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
1251 public transit system.

- 1252 (b) (i) A local government or public transit district may nominate a project for
1253 prioritization in accordance with the process established by the commission in rule.
- 1254 (ii) If a local government or public transit district nominates a project for
1255 prioritization by the commission, the local government or public transit district
1256 shall provide data and evidence to show that:
- 1257 (A) the project will advance the purposes and goals described in Section 72-1-211;
1258 (B) for a public transit project, the local government or public transit district has
1259 an ongoing funding source for operations and maintenance of the proposed
1260 development; and
- 1261 (C) the local government or public transit district will provide the percentage of
1262 the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or
1263 72-2-124(9)(e).
- 1264 (2) The following shall be included in the written prioritization process under Subsection
1265 (1):
- 1266 (a) a description of how the strategic initiatives of the department adopted under Section
1267 72-1-211 are advanced by the written prioritization process;
- 1268 (b) a definition of the type of projects to which the written prioritization process applies;
- 1269 (c) specification of a weighted criteria system that is used to rank proposed projects and
1270 how it will be used to determine which projects will be prioritized;
- 1271 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 1272 (e) any other provisions the commission considers appropriate, which may include
1273 consideration of:
- 1274 (i) regional and statewide economic development impacts, including improved local
1275 access to:
- 1276 (A) employment;
- 1277 (B) educational facilities;
- 1278 (C) recreation;
- 1279 (D) commerce; and
- 1280 (E) residential areas, including moderate income housing as demonstrated in the
1281 local government's or public transit district's general plan pursuant to Section
1282 10-9a-403 or 17-27a-403;
- 1283 (ii) the extent to which local land use plans relevant to a project support and
1284 accomplish the strategic initiatives adopted under Section 72-1-211; and
- 1285 (iii) any matching funds provided by a political subdivision or public transit district

- 1286 in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii)
1287 and 72-2-124(9)(e).
- 1288 (3) (a) When prioritizing a public transit project that increases capacity, the commission:
1289 (i) may give priority consideration to projects that are part of a transit-oriented
1290 development or transit-supportive development as defined in Section 17B-2a-802;
1291 and
1292 (ii) shall give priority consideration to projects that are within the boundaries of a
1293 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3,
1294 Part 6, Housing and Transit Reinvestment Zone Act.
- 1295 (b) When prioritizing a transportation project that increases capacity, the commission
1296 may give priority consideration to projects that are:
1297 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:
1298 (A) the state is a participant in the transportation reinvestment zone; or
1299 (B) the commission finds that the transportation reinvestment zone provides a
1300 benefit to the state transportation system; or
1301 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
1302 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 1303 (c) If the department receives a notice of prioritization for a municipality as described in
1304 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in
1305 Subsection 17-27a-408(5), the commission may give priority consideration to
1306 transportation projects that are within the boundaries of the municipality or the
1307 unincorporated areas of the county until the department receives notification from the
1308 Housing and Community Development Division within the Department of Workforce
1309 Services that the municipality or county no longer qualifies for prioritization under
1310 this Subsection (3)(c).
- 1311 (4) In developing the written prioritization process, the commission:
1312 (a) shall seek and consider public comment by holding public meetings at locations
1313 throughout the state; and
1314 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1315 the state provides an equal opportunity to raise local matching dollars for state
1316 highway improvements within each county.
- 1317 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1318 Transportation Commission, in consultation with the department, shall make rules
1319 establishing the written prioritization process under Subsection (1).

1320 (6) The commission shall submit the proposed rules under this section to a committee or
1321 task force designated by the Legislative Management Committee for review prior to
1322 taking final action on the proposed rules or any proposed amendment to the rules
1323 described in Subsection (5).

1324 Section 18. Section **72-2-124** is amended to read:

1325 **72-2-124 . Transportation Investment Fund of 2005.**

1326 (1) There is created a capital projects fund entitled the Transportation Investment Fund of
1327 2005.

1328 (2) The fund consists of money generated from the following sources:

1329 (a) any voluntary contributions received for the maintenance, construction,
1330 reconstruction, or renovation of state and federal highways;

1331 (b) appropriations made to the fund by the Legislature;

1332 (c) registration fees designated under Section 41-1a-1201;

1333 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1334 59-12-103; and

1335 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1336 (3) (a) The fund shall earn interest.

1337 (b) All interest earned on fund money shall be deposited into the fund.

1338 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use fund
1339 money to pay:

1340 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1341 federal highways prioritized by the Transportation Commission through the
1342 prioritization process for new transportation capacity projects adopted under
1343 Section 72-1-304;

1344 (ii) the costs of maintenance, construction, reconstruction, or renovation to the
1345 highway projects described in Subsections 63B-18-401(2), (3), and (4);

1346 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
1347 minus the costs paid from the County of the First Class Highway Projects Fund in
1348 accordance with Subsection 72-2-121(4)(e);

1349 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1350 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the
1351 amount certified by Salt Lake County in accordance with Subsection 72-2-121.3
1352 (4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds
1353 issued by Salt Lake County;

- 1354 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1355 for projects prioritized in accordance with Section 72-2-125;
- 1356 (vi) all highway general obligation bonds that are intended to be paid from revenues
1357 in the Centennial Highway Fund created by Section 72-2-118;
- 1358 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1359 Class Highway Projects Fund created in Section 72-2-121 to be used for the
1360 purposes described in Section 72-2-121;
- 1361 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
1362 the costs needed for construction, reconstruction, or renovation of paved
1363 pedestrian or paved nonmotorized transportation for projects that:
- 1364 (A) mitigate traffic congestion on the state highway system;
- 1365 (B) are part of an active transportation plan approved by the department; and
- 1366 (C) are prioritized by the commission through the prioritization process for new
1367 transportation capacity projects adopted under Section 72-1-304;
- 1368 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
1369 reconstruction, or renovation of or improvement to the following projects:
- 1370 (A) the connector road between Main Street and 1600 North in the city of
1371 Vineyard;
- 1372 (B) Geneva Road from University Parkway to 1800 South;
- 1373 (C) the SR-97 interchange at 5600 South on I-15;
- 1374 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 1375 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 1376 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 1377 (G) widening I-15 between mileposts 6 and 8;
- 1378 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1379 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197
1380 in Spanish Fork Canyon;
- 1381 (J) I-15 northbound between mileposts 43 and 56;
- 1382 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts
1383 43 and 45.1;
- 1384 (L) east Zion SR-9 improvements;
- 1385 (M) Toquerville Parkway;
- 1386 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1387 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds,

- 1388 for construction of an interchange on Bangerter Highway at 13400 South; and
1389 (P) an environmental impact study for Kimball Junction in Summit County; and
1390 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
1391 costs based upon a statement of cash flow that the local jurisdiction where the
1392 project is located provides to the department demonstrating the need for money
1393 for the project, for the following projects in the following amounts:
1394 (A) \$5,000,000 for Payson Main Street repair and replacement;
1395 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
1396 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
1397 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S.
1398 40 between mile markers 7 and 10.
- 1399 (b) The executive director may use fund money to exchange for an equal or greater
1400 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1401 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
1402 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive
1403 director may not program fund money to a project prioritized by the commission
1404 under Section 72-1-304, including fund money from the Transit Transportation
1405 Investment Fund, within the boundaries of the municipality until the department
1406 receives notification from the Housing and Community Development Division within
1407 the Department of Workforce Services that ineligibility under this Subsection (5) no
1408 longer applies to the municipality.
- 1409 (b) Within the boundaries of a municipality described in Subsection (5)(a), the executive
1410 director:
- 1411 (i) may program fund money in accordance with Subsection (4)(a) for a
1412 limited-access facility or interchange connecting limited-access facilities;
1413 (ii) may not program fund money for the construction, reconstruction, or renovation
1414 of an interchange on a limited-access facility;
1415 (iii) may program Transit Transportation Investment Fund money for a
1416 multi-community fixed guideway public transportation project; and
1417 (iv) may not program Transit Transportation Investment Fund money for the
1418 construction, reconstruction, or renovation of a station that is part of a fixed
1419 guideway public transportation project.
- 1420 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1421 director before July 1, 2022, for projects prioritized by the commission under Section

- 1422 72-1-304.
- 1423 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
1424 ineligibility for a county as described in Subsection 17-27a-408(7), the executive
1425 director may not program fund money to a project prioritized by the commission
1426 under Section 72-1-304, including fund money from the Transit Transportation
1427 Investment Fund, within the boundaries of the unincorporated area of the county until
1428 the department receives notification from the Housing and Community Development
1429 Division within the Department of Workforce Services that ineligibility under this
1430 Subsection (6) no longer applies to the county.
- 1431 (b) Within the boundaries of the unincorporated area of a county described in Subsection
1432 (6)(a), the executive director:
- 1433 (i) may program fund money in accordance with Subsection (4)(a) for a
1434 limited-access facility to a project prioritized by the commission under Section
1435 72-1-304;
- 1436 (ii) may not program fund money for the construction, reconstruction, or renovation
1437 of an interchange on a limited-access facility;
- 1438 (iii) may program Transit Transportation Investment Fund money for a
1439 multi-community fixed guideway public transportation project; and
- 1440 (iv) may not program Transit Transportation Investment Fund money for the
1441 construction, reconstruction, or renovation of a station that is part of a fixed
1442 guideway public transportation project.
- 1443 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
1444 director before July 1, 2022, for projects prioritized by the commission under Section
1445 72-1-304.
- 1446 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in
1447 any fiscal year, the department and the commission shall appear before the Executive
1448 Appropriations Committee of the Legislature and present the amount of bond
1449 proceeds that the department needs to provide funding for the projects identified in
1450 Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current
1451 or next fiscal year.
- 1452 (b) The Executive Appropriations Committee of the Legislature shall review and
1453 comment on the amount of bond proceeds needed to fund the projects.
- 1454 (8) The Division of Finance shall, from money deposited into the fund, transfer the amount
1455 of funds necessary to pay principal, interest, and issuance costs of bonds authorized by

- 1456 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt
 1457 service or sinking fund.
- 1458 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
 1459 Transportation Investment Fund.
- 1460 (b) The fund shall be funded by:
- 1461 (i) contributions deposited into the fund in accordance with Section 59-12-103;
 1462 (ii) appropriations into the account by the Legislature;
 1463 (iii) deposits of sales and use tax increment related to a housing and transit
 1464 reinvestment zone as described in Section 63N-3-610;
 1465 (iv) transfers of local option sales and use tax revenue as described in Subsection
 1466 59-12-2220(11)(b) or (c);
 1467 (v) private contributions; and
 1468 (vi) donations or grants from public or private entities.
- 1469 (c) (i) The fund shall earn interest.
 1470 (ii) All interest earned on fund money shall be deposited into the fund.
- 1471 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:
 1472 (i) for public transit capital development of new capacity projects and fixed guideway
 1473 capital development projects to be used as prioritized by the commission through
 1474 the prioritization process adopted under Section 72-1-304; ~~or~~
 1475 (ii) to the department for oversight of a fixed guideway capital development project
 1476 for which the department has responsibility[-] ; or
 1477 (iii) up to \$500,000 per year, to be used for a public transit study.
- 1478 (e) (i) Subject to Subsections ~~[(9)(g) and (h)]~~ (9)(g), (h), and (i), the commission may
 1479 only prioritize money from the fund for a public transit capital development
 1480 project or pedestrian or nonmotorized transportation project that provides
 1481 connection to the public transit system if the public transit district or political
 1482 subdivision provides funds of equal to or greater than 30% of the costs needed for
 1483 the project.
- 1484 (ii) A public transit district or political subdivision may use money derived from a
 1485 loan granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank
 1486 Fund, to provide all or part of the 30% requirement described in Subsection
 1487 (9)(e)(i) if:
 1488 (A) the loan is approved by the commission as required in Title 72, Chapter 2,
 1489 Part 2, State Infrastructure Bank Fund; and

- 1490 (B) the proposed capital project has been prioritized by the commission pursuant
1491 to Section 72-1-303.
- 1492 (f) Before July 1, 2022, the department and a large public transit district shall enter into
1493 an agreement for a large public transit district to pay the department \$5,000,000 per
1494 year for 15 years to be used to facilitate the purchase of zero emissions or low
1495 emissions rail engines and trainsets for regional public transit rail systems.
- 1496 (g) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(b):
1497 (i) the commission may prioritize money from the fund for public transit projects,
1498 operations, or maintenance within the county of the first class; and
1499 (ii) Subsection (9)(e) does not apply.
- 1500 (h) For any revenue transferred into the fund pursuant to Subsection 59-12-2220(11)(c):
1501 (i) the commission may prioritize public transit projects, operations, or maintenance
1502 in the county from which the revenue was generated; and
1503 (ii) Subsection (9)(e) does not apply.
- 1504 (i) The requirement to provide funds equal to or greater than 30% of the costs needed for
1505 a project described in Subsection (9)(e) does not apply to a public transit capital
1506 development project or pedestrian or nonmotorized transportation project that the
1507 department proposes.
- 1508 (10) (a) There is created in the Transportation Investment Fund of 2005 the Cottonwood
1509 Canyons Transportation Investment Fund.
- 1510 (b) The fund shall be funded by:
1511 (i) money deposited into the fund in accordance with Section 59-12-103;
1512 (ii) appropriations into the account by the Legislature;
1513 (iii) private contributions; and
1514 (iv) donations or grants from public or private entities.
- 1515 (c) (i) The fund shall earn interest.
1516 (ii) All interest earned on fund money shall be deposited into the fund.
- 1517 (d) The Legislature may appropriate money from the fund for public transit or
1518 transportation projects in the Cottonwood Canyons of Salt Lake County.
- 1519 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active
1520 Transportation Investment Fund.
- 1521 (b) The fund shall be funded by:
1522 (i) money deposited into the fund in accordance with Section 59-12-103;
1523 (ii) appropriations into the account by the Legislature; and

- 1524 (iii) donations or grants from public or private entities.
- 1525 (c) (i) The fund shall earn interest.
- 1526 (ii) All interest earned on fund money shall be deposited into the fund.
- 1527 (d) The executive director may only use fund money to pay the costs needed for:
- 1528 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
- 1529 paved pedestrian or paved nonmotorized trail projects that:
- 1530 (A) are prioritized by the commission through the prioritization process for new
- 1531 transportation capacity projects adopted under Section 72-1-304;
- 1532 (B) serve a regional purpose; and
- 1533 (C) are part of an active transportation plan approved by the department or the
- 1534 plan described in Subsection (11)(d)(ii);
- 1535 (ii) the development of a plan for a statewide network of paved pedestrian or paved
- 1536 nonmotorized trails that serve a regional purpose; and
- 1537 (iii) the administration of the fund, including staff and overhead costs.

1538 Section 19. Section **72-3-202** is amended to read:

1539 **72-3-202 . State park access highways -- Anasazi State Park Museum to Edge of**
 1540 **the Cedars State Park Museum.**

1541 State park access highways include:

- 1542 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum is at
- 1543 the park entrance located in Garfield County at milepoint [87.8] 87.3 on State Highway
- 1544 12. No access road is defined.
- 1545 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the pay
- 1546 gate located in Rich County at milepoint [413.2] 498.8 on State Highway 89. No access
- 1547 road is defined.
- 1548 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore begins
- 1549 in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a
- 1550 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of
- 1551 Rich County.
- 1552 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake
- 1553 Rendezvous Beach is at the park entrance in Rich County at milepoint [124.5] 118 on
- 1554 State Highway 30. No access road is defined.
- 1555 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the Camp
- 1556 Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at
- 1557 milepoint 20.6 on State Highway 73. No access road is defined.

- 1558 (6) CORAL PINK SAND DUNES STATE PARK.
- 1559 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State
- 1560 Highway 89 and proceeds southwesterly on [a] county road 43 a distance of 12.0
- 1561 miles to the visitor center of the park and is under the jurisdiction of Kane County.
- 1562 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state
- 1563 border between Arizona and Utah and proceeds northerly on county road 43 and
- 1564 travels through the state park and is under the jurisdiction of Kane County.
- 1565 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is
- 1566 defined.
- 1567 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park begins
- 1568 in Grand County at State Highway 191 and proceeds southwesterly on State Highway
- 1569 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction~~
- 1570 ~~of UDOT.~~], crosses into San Juan County between mile marker 2 and 3, continues to
- 1571 mile marker 0, and is under the jurisdiction of the department.
- 1572 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in Wasatch
- 1573 County at State Highway 189 and proceeds southwesterly on State Highway 314 a
- 1574 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [
- 1575 ~~UDOT~~] the department.
- 1576 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in Morgan
- 1577 County at State Highway 66 and proceeds southeasterly on State Highway 306 a
- 1578 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [
- 1579 ~~UDOT~~] the department.
- 1580 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit County
- 1581 at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles to
- 1582 the boat ramp at the park.
- 1583 [(H)] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of the
- 1584 Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west
- 1585 on Center Street to 600 West then north on 600 West to the parking area and museum at
- 1586 660 West 400 North. The access road is under the jurisdiction of Blanding.
- 1587 Section 20. Section **72-3-203** is amended to read:
- 1588 **72-3-203 . State park access highways -- Escalante Petrified Forest State Park to**
- 1589 **Huntington State Park.**
- 1590 State park access highways include:
- 1591 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante Petrified

- 1592 Forest State Park begins in Garfield County at State Highway 12 and proceeds
 1593 northwesterly on a county road a distance of 1 mile to the park's visitor center and is
 1594 under the jurisdiction of Garfield County.
- 1595 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State
 1596 Recreation Area begins in Utah County at East Frontage Road and proceeds
 1597 northeasterly on Air Park Road, a distance of 0.5 miles to the park entrance and is under
 1598 the jurisdiction of Utah County.
- 1599 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian State
 1600 Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and
 1601 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of
 1602 5.9 miles and is under the jurisdiction of Sevier County.
- 1603 [~~(4) GOBLIN VALLEY STATE PARK (East Access). The East Access to the Goblin
 1604 Valley State Park begins in Emery County at the junction of State Highway 24 and
 1605 county road 1012 and proceeds westerly on county road 1012, a distance of 5.2 miles;
 1606 then southerly on county road 1013, a distance of 6.0 miles; then southerly on county
 1607 road 1014, a distance of 0.4 miles to the park entrance. The East Access is under the
 1608 jurisdiction of Emery County.]~~
- 1609 [(5)] (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the
 1610 Goblin Valley State Park begins in Emery County at the junction of [~~Interstate 70 and
 1611 county road 332~~] county road 1013 and county road 1014 and proceeds southwesterly on
 1612 county road 332, a distance of 10 miles; then southerly on county road 1033, a distance
 1613 of 3.1 miles; then southeasterly on county road 1012, a distance of [~~10.6 miles; then
 1614 southerly on county road 1013, a distance of 6.0 miles; then southerly on county road
 1615 1014, a distance of 0.4 miles to the park entrance.~~] 7.0 miles to the park fee station. The
 1616 North Access is under the jurisdiction of Emery County.
- 1617 [(6)] (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in San
 1618 Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a
 1619 distance of 3.6 miles to the parking area and overlook at the park and is under the
 1620 jurisdiction of UDOT.
- 1621 [(7)] (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park
 1622 begins in Davis County at State Highway 127 and proceeds southwesterly on a county
 1623 road a distance of 7.2 miles to the parking area and marina at the park and is under the
 1624 jurisdiction of Davis County.
- 1625 [(8)] (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt Lake

1626 State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds
 1627 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at
 1628 the park and is under the jurisdiction of Salt Lake County.

1629 ~~[(9)]~~ (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in
 1630 Emery County at the junction of Route 19 and Green River Boulevard and proceeds
 1631 southerly on Green River Boulevard, a distance of 0.5 miles to the park entrance and is
 1632 under the jurisdiction of Green River.

1633 ~~[(10)]~~ (9) GUNLOCK STATE PARK. Access to ~~[the]~~ Gunlock State Park begins in
 1634 Washington County at the junction of county road (L009) ~~[and a county road]~~ (Old
 1635 Highway 91) and Gunlock Road and proceeds northwesterly on ~~[a county road]~~ Gunlock
 1636 Road a distance of ~~[0.1]~~ 5.9 miles to the parking area at the park and is under the
 1637 jurisdiction of Washington County.

1638 ~~[(11)]~~ (10) HUNTINGTON STATE PARK. Access to ~~[the]~~ Huntington State Park begins
 1639 in Emery County at State Highway 10 and proceeds northwesterly on a county road a
 1640 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

1641 Section 21. Section **72-3-204** is amended to read:

1642 **72-3-204 . State park access highways -- Hyrum State Park to Painted Rocks.**

1643 State park access highways include:

1644 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache
 1645 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State
 1646 Highway 101. No access road is defined.

1647 (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier Homestead
 1648 State Park Museum is at the parking area and museum in Iron County at milepoint ~~[3.3]~~
 1649 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is
 1650 defined.

1651 (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC SITE).
 1652 Access to Old Iron Town begins at the junction of a county road and State Highway 56,
 1653 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot
 1654 for Old Iron Town and is under the jurisdiction of Iron County.

1655 (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan River
 1656 Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds
 1657 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under
 1658 the jurisdiction of Salt Lake County.

1659 (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the Jordanelle

1660 State Park Hailstone Marina begins in Wasatch County at State Highway 40 and
 1661 proceeds southeasterly on State Highway 319 a distance of [~~1.4~~] 1.2 miles to the marina
 1662 parking area at the park and is under the jurisdiction of UDOT.

1663 (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to the
 1664 Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State
 1665 Highway 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the
 1666 parking area at the park and is under the jurisdiction of the county.

1667 (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park Ross
 1668 Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a
 1669 county road a distance of 0.1 miles to the parking area at the park and is under the
 1670 jurisdiction of the county.

1671 (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State Park
 1672 begins in Kane County at State Highway 12 and proceeds southeasterly on a county road
 1673 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of
 1674 Kane County.

1675 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery County
 1676 at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of
 1677 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

1678 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the pay
 1679 gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access
 1680 road is defined.

1681 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba East
 1682 Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county
 1683 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the
 1684 jurisdiction of Sanpete County.

1685 Section 22. Section **72-3-205** is amended to read:

1686 **72-3-205 . State park access highways -- Palisade State Park to Starvation State**
 1687 **Park.**

1688 State park access highways include:

1689 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete
 1690 County at State Highway 89 and proceeds northeasterly on a county road a distance of
 1691 2.2 miles to the golf club/contact station at the park and is under the jurisdiction of
 1692 Sanpete County.

1693 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at State

- 1694 Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the
1695 parking area at the park and is under the jurisdiction of Piute County.
- 1696 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail Creek
1697 State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300
1698 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North
1699 Access is under the jurisdiction of Hurricane City.
- 1700 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail Creek
1701 State Park begins in Washington County at State Highway 9 and proceeds northerly on
1702 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park.
1703 The South Access is under the jurisdiction of UDOT.
- 1704 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah
1705 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0
1706 miles to the pay gate at the park and is under the jurisdiction of Uintah County.
- 1707 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit
1708 County at State Highway 32 and proceeds northwesterly on State Highway 302 a
1709 distance of 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.
- 1710 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand
1711 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly
1712 on Sand Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North
1713 Access is under the jurisdiction of Hurricane City.
- 1714 [~~(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand Hollow~~
1715 ~~State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a~~
1716 ~~distance of 1.7 miles; then proceeds southwesterly on Sand Hollow Road, a distance of~~
1717 ~~5.3 miles to Sand Hollow Parkway. The East Access is under the jurisdiction of~~
1718 ~~Hurricane City.]~~
- 1719 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand Hollow
1720 State Park begins at the intersection of State Route 7 and Sand Hollow Road, then
1721 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance
1722 road. The South Access is under the jurisdiction of Hurricane City.
- 1723 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat launch
1724 in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.
- 1725 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park Madsen
1726 Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.
1727 No access road is defined.

1728 ~~[(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park begins in~~
 1729 ~~Washington County at State Highway 18 near mile post 4 in St. George and proceeds~~
 1730 ~~northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of~~
 1731 ~~the Snow Canyon State Park.]~~

1732 (11) SNOW CANYON STATE PARK.

1733 (a) South access to the Snow Canyon State Park begins in Washington County at State
 1734 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon
 1735 Parkway and northerly on Snow Canyon Drive to the south boundary of the Snow
 1736 Canyon State Park (at the northern boundary of the Vermillion Cliffs development).

1737 (b) The northern access is located at the intersection of State Route 18 and Snow
 1738 Canyon Drive.

1739 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in
 1740 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway
 1741 311 a distance of ~~[2.2]~~ 3.9 miles to the boat ramp at the park and is under the jurisdiction
 1742 of UDOT.

1743 Section 23. Section **72-3-206** is amended to read:

1744 **72-3-206 . State park access highways -- Steinaker State Park to Yuba State Park.**

1745 State park access highways include:

1746 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah
 1747 County at State Highway 191 and proceeds northwesterly on State Highway 301 a
 1748 distance of ~~[1.7]~~ 2.0 miles to the boat ramp at the park and is under the jurisdiction of
 1749 UDOT.

1750 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial Statehouse
 1751 State Park is at the parking area in Millard County at milepoint 1.0 on State Highway
 1752 100. No access road is defined.

1753 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage Park
 1754 is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake
 1755 City. No access road is defined.

1756 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah
 1757 Field House of Natural History State Park is at the parking area in Uintah County at
 1758 milepoint ~~[145.8]~~ 145.1 on State Highway 40 at 496 East Main in Vernal. No access
 1759 road is defined.

1760 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah
 1761 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5

- 1762 miles to the pay gate at the park and is under the jurisdiction of Utah County.
- 1763 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the
1764 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds
1765 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then
1766 southeasterly on Pine Canyon Road, a county road, a distance of 7.3 miles to the
1767 campground entrance. The East Access is under the jurisdiction of Wasatch County.
- 1768 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to the
1769 Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds
1770 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and
1771 city roads, a distance of 4.3 miles to State Highway 222; then northerly on State
1772 Highway 222, a distance of [~~1.1~~] 1.3 miles to the campground entrance. The South
1773 Access is under the jurisdiction of Wasatch County and Midway City.
- 1774 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the
1775 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds
1776 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then
1777 southeasterly on Pine Canyon Road, a county road, a distance of 7.3 miles to the
1778 campground entrance. The West Access is under the jurisdiction of Wasatch County.
- 1779 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in
1780 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county
1781 road; then southwesterly on Soldier Hollow Lane to the parking area and clubhouse.
- 1782 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins in
1783 Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and
1784 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to
1785 the parking area. The access is under the jurisdiction of Wasatch County.
- 1786 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park South
1787 begins in Box Elder County at a county road and proceeds northwesterly on State
1788 Highway 312 a distance of [~~0.2~~] 0.5 miles to the marina parking at the park and is under
1789 the jurisdiction of UDOT.
- 1790 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park North
1791 begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on
1792 State Highway 315 a distance of [~~0.6~~] 1.0 miles to the marina parking at the park and is
1793 under the jurisdiction of UDOT.
- 1794 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at
1795 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1

1796 miles to the pay gate at the park and is under the jurisdiction of Juab County.

1797 Section 24. Section **72-5-104** is amended to read:

1798 **72-5-104 . Public use constituting dedication -- Scope.**

- 1799 (1) As used in this section, "highway," "street," or "road" does not include an area
1800 principally used as a parking lot.
- 1801 (2) A highway is dedicated and abandoned to the use of the public when it has been
1802 continuously used as a public thoroughfare for a period of 10 years.
- 1803 (3) The requirement of continuous use under Subsection (2) is satisfied if the use is as
1804 frequent as the public finds convenient or necessary and may be seasonal or follow some
1805 other pattern.
- 1806 (4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:
1807 (a) the person or entity interrupting the continuous use gives not less than 72 hours
1808 advance written notice of the interruption to the highway authority having
1809 jurisdiction of the highway, street, or road;
1810 (b) the property owner undertakes an overt act which is intended to interrupt the use of
1811 the highway, street, or road as a public thoroughfare; and
1812 (c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the
1813 regularly established pattern and frequency of public use for the given highway,
1814 street, or road for a period of no less than 24 hours.
- 1815 (5) Installation of gates and posting of no trespassing signs are relevant forms of evidence
1816 but are not solely determinative of whether an interruption under Subsection (4) has
1817 occurred.
- 1818 (6) A property owner's interruption under Subsection (4) of a highway, street, or road where
1819 the requirement of continuous use under Subsection (2) is not satisfied restarts the
1820 running of the 10-year period of continuous use required for dedication under
1821 Subsection (2).
- 1822 (7) (a) The burden of proving dedication under Subsection (2) is on the party asserting
1823 the dedication.
1824 (b) The burden of proving interruption under Subsection (4) is on the party asserting the
1825 interruption.
- 1826 (8) (a) The dedication and abandonment creates a right-of-way held by the state or a
1827 local highway authority in accordance with Sections 72-3-102, 72-3-103, 72-3-104,
1828 72-3-105, and 72-5-103.
1829 (b) A property owner's interruption under Subsection (4) of a right-of-way claimed by

1830 the state or local highway authority in accordance with Subsection (8)(a) or R.S.
1831 2477 has no effect on the validity of the state's or local highway authority's claim to
1832 the right-of-way and does not return the right-of-way to the property owner.

1833 (9) The scope of a right-of-way described in Subsection (8)(a) is that which is reasonable
1834 and necessary to ensure safe travel according to the facts and circumstances.

1835 (10) The provisions of this section apply to any claim under this section for which a court
1836 of competent jurisdiction has not issued a final unappealable judgment or order.

1837 (11) (a) Before a person may file an action in district court to determine or challenge
1838 whether a highway, street, or road has been dedicated to the public as described in
1839 this section, the person shall first provide 30-day written notice to the relevant
1840 highway authority.

1841 (b) In an action described in Subsection (11)(a), the person shall name as a defendant the
1842 highway authority that would have jurisdiction over the highway, street, or road.

1843 Section 25. Section **72-6-118** is amended to read:

1844 **72-6-118 . Definitions -- Establishment and operation of tollways -- Imposition**
1845 **and collection of tolls -- Amount of tolls -- Rulemaking.**

1846 (1) As used in this section:

1847 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
1848 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the
1849 number of persons specified for the high occupancy vehicle lane if the operator of the
1850 vehicle pays a toll or fee.

1851 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

1852 (c) "Toll lane" means a designated new highway or additional lane capacity that is
1853 constructed, operated, or maintained for which a toll is charged for its use.

1854 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or
1855 right-of-way designed and used as a transportation route that is constructed,
1856 operated, or maintained through the use of toll revenues.

1857 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

1858 (e) "Tollway development agreement" has the same meaning as defined in Section
1859 72-6-202.

1860 (2) Subject to the provisions of Subsection (3), the department may:

1861 (a) establish, expand, and operate tollways and related facilities for the purpose of
1862 funding in whole or in part the acquisition of right-of-way and the design,
1863 construction, reconstruction, operation, enforcement, and maintenance of or impacts

- 1864 from a transportation route for use by the public;
- 1865 (b) enter into contracts, agreements, licenses, franchises, tollway development
1866 agreements, or other arrangements to implement this section;
- 1867 (c) impose and collect tolls on any tollway established under this section, including
1868 collection of past due payment of a toll or penalty;
- 1869 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
1870 pursuant to the terms and conditions of a tollway development agreement;
- 1871 (e) use technology to automatically monitor a tollway and collect payment of a toll,
1872 including:
- 1873 (i) license plate reading technology; and
1874 (ii) photographic or video recording technology; and
- 1875 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
1876 a request for registration of a motor vehicle if the motor vehicle owner has failed to
1877 pay a toll or penalty imposed for usage of a tollway involving the motor vehicle for
1878 which registration renewal has been requested.
- 1879 (3) (a) The department may establish or operate a tollway on an existing highway if
1880 approved by the commission in accordance with the terms of this section.
- 1881 (b) To establish a tollway on an existing highway, the department shall submit a
1882 proposal to the commission including:
- 1883 (i) a description of the tollway project;
1884 (ii) projected traffic on the tollway;
1885 (iii) the anticipated amount of the toll to be charged; and
1886 (iv) projected toll revenue.
- 1887 (4) (a) For a tollway established under this section, the department may:
- 1888 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
1889 vehicle using the tollway according to the terms of the tollway;
- 1890 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:
- 1891 (A) an unpaid toll and the amount of the toll to be paid to the department;
1892 (B) the penalty for failure to pay the toll timely; and
1893 (C) a hold being placed on the owner's registration for the motor vehicle if the toll
1894 and penalty are not paid timely, which would prevent the renewal of the motor
1895 vehicle's registration;
- 1896 (iii) require that the owner of the motor vehicle pay the toll to the department within
1897 30 days of the date when the department sends written notice of the toll to the

- 1898 owner; and
- 1899 (iv) impose a penalty for failure to pay a toll timely.
- 1900 (b) The department shall mail the correspondence and notice described in Subsection
- 1901 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.
- 1902 (5) (a) The Division of Motor Vehicles and the department shall share and provide
- 1903 access to information pertaining to a motor vehicle and tollway enforcement
- 1904 including:
- 1905 (i) registration and ownership information pertaining to a motor vehicle;
- 1906 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
- 1907 penalty imposed under this section; and
- 1908 (iii) the status of a request for a hold on the registration of a motor vehicle.
- 1909 (b) If the department requests a hold on the registration in accordance with this section,
- 1910 the Division of Motor Vehicles may not renew the registration of a motor vehicle
- 1911 under Title 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has
- 1912 failed to pay a toll or penalty imposed under this section for usage of a tollway
- 1913 involving the motor vehicle for which registration renewal has been requested until
- 1914 the department withdraws the hold request.
- 1915 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter 3,
- 1916 Utah Administrative Rulemaking Act, the commission shall:
- 1917 (i) set the amount of any toll imposed or collected on a tollway on a state highway;
- 1918 and
- 1919 (ii) for tolls established under Subsection (6)(b), set:
- 1920 (A) an increase in a toll rate or user fee above an increase specified in a tollway
- 1921 development agreement; or
- 1922 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
- 1923 tollway development agreement.
- 1924 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
- 1925 tollway on a state highway that is the subject of a tollway development agreement
- 1926 shall be set in the tollway development agreement.
- 1927 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1928 the department shall make rules:
- 1929 (i) necessary to establish and operate tollways on state highways;
- 1930 (ii) that establish standards and specifications for automatic tolling systems and
- 1931 automatic tollway monitoring technology; and

- 1932 (iii) to set the amount of a penalty for failure to pay a toll under this section.
- 1933 (b) The rules shall:
- 1934 (i) include minimum criteria for having a tollway; and
- 1935 (ii) conform to regional and national standards for automatic tolling.
- 1936 (8) (a) The commission may provide funds for public or private tollway pilot projects or
- 1937 high occupancy toll lanes from General Fund money appropriated by the Legislature
- 1938 to the commission for that purpose.
- 1939 (b) The commission may determine priorities and funding levels for tollways designated
- 1940 under this section.
- 1941 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway on
- 1942 a state highway shall be deposited into the Tollway Special Revenue Fund created in
- 1943 Section 72-2-120 and used for any state transportation purpose.
- 1944 (b) Revenue generated from a tollway that is the subject of a tollway development
- 1945 agreement shall be deposited into the Tollway Special Revenue Fund and used in
- 1946 accordance with Subsection (9)(a) unless:
- 1947 (i) the revenue is to a private entity through the tollway development agreement; or
- 1948 (ii) the revenue is identified for a different purpose under the tollway development
- 1949 agreement.
- 1950 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:
- 1951 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
- 1952 Chapter 2, Government Records Access and Management Act, if the photographic or
- 1953 video data is maintained by a governmental entity;
- 1954 (b) may not be used or shared for any purpose other than the purposes described in this
- 1955 section;
- 1956 (c) may only be preserved:
- 1957 (i) so long as necessary to collect the payment of a toll or penalty imposed in
- 1958 accordance with this section; or
- 1959 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
- 1960 equivalent federal warrant; and
- 1961 (d) may only be disclosed:
- 1962 (i) in accordance with the disclosure requirements for a protected record under
- 1963 Section 63G-2-202; or
- 1964 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
- 1965 equivalent federal warrant.

- 1966 (11) (a) The department may not sell for any purpose photographic or video data
 1967 captured under Subsection (2)(e)(ii).
- 1968 (b) The department may not share captured photographic or video data for a purpose not
 1969 authorized under this section.
- 1970 [~~(12) Before November 1, 2018, the Driver License Division, the Division of Motor
 1971 Vehicles, and the department shall jointly study and report findings and
 1972 recommendations to the Transportation Interim Committee regarding the use of Title 53,
 1973 Chapter 3, Part 6, Drivers' License Compact, and other methods to collect a toll or
 1974 penalty under this section from:]~~
- 1975 [~~(a) an owner of a motor vehicle registered outside this state; or]~~
- 1976 [~~(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.]~~
- 1977 Section 26. Section **72-6-121** is amended to read:
- 1978 **72-6-121 . Clean fuel vehicle decal.**
- 1979 (1) Subject to the requirements of this section, the department shall issue a clean fuel
 1980 vehicle decal permit and a clean fuel vehicle decal to an applicant if:
- 1981 (a) the applicant is an owner of a vehicle:
- 1982 (i) powered by clean fuel that meets the standards established by the department in
 1983 rules authorized under Subsection 41-6a-702(5)(b); and
- 1984 (ii) that is registered in the state of Utah;
- 1985 (b) the applicant remits an application and all fees required under this section; and
- 1986 (c) the department has clean fuel vehicle decals available subject to the limits
 1987 established by the department in accordance with Subsection 41-6a-702(5)(b).
- 1988 (2) The department shall establish the clean fuel vehicle decal design in consultation with
 1989 the Utah Highway Patrol.
- 1990 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal fee
 1991 established by the department in accordance with Section 63J-1-504.
- 1992 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department to
 1993 cover the costs incurred in issuing clean fuel vehicle decals under this section.
- 1994 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
 1995 vehicle decal to a person who has been issued a clean fuel special group license plate
 1996 prior to July 1, 2011.
- 1997 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
 1998 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee
 1999 imposed under Subsection (3).

- 2000 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle other
 2001 than the vehicle specified in the application for the clean fuel vehicle decal permit
 2002 and the clean fuel vehicle decal.
- 2003 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle decal
 2004 is not required to place the clean fuel vehicle decal on the vehicle specified to drive in
 2005 the high occupancy lane described in Subsection 41-6a-702(5).
- 2006 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
 2007 shall:
- 2008 (i) in a manner consistent with Section 41-6a-1635, install on the windshield of the
 2009 motor vehicle the clean vehicle transponder issued by the department;
- 2010 [(i)] (ii) have in the person's immediate possession the clean fuel vehicle decal permit
 2011 issued by the department for the motor vehicle the person is operating; and
 2012 [(ii)] (iii) present the permit upon demand of a peace officer.
- 2013 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2014 department shall make rules to administer the clean fuel vehicle decal program
 2015 authorized in this section.

2016 Section 27. Section **72-7-111** is enacted to read:

2017 **72-7-111 . Storage of flammable, explosive, or combustible materials prohibited.**

2018 (1) As used in this section:

2019 (a) "Combustible" means a material capable of producing a usually rapid chemical
 2020 process that creates heat and usually light.

2021 (b) "Explosive" means any chemical compound mixture, or device, the primary or
 2022 common purpose of which is to function by explosion.

2023 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

2024 (2) A person may not keep, store, or stockpile any flammable, explosive, or combustible
 2025 material above ground directly beneath a bridge, overpass, viaduct, or tunnel owned or
 2026 operated by a highway authority or large public transit district.

2027 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

2028 Section 28. Section **72-10-203.5** is amended to read:

2029 **72-10-203.5 . Advisory boards of airports and extraterritorial airports.**

2030 (1) For purposes of this section:

2031 (a) "Airport owner" means the municipality, county, or airport authority that owns one
 2032 or more airports.

2033 (b) "Extraterritorial airport" means an airport, including the airport facilities, real estate,

- 2034 or other assets related to the operation of an airport, outside the municipality or
2035 county and within the boundary of a different municipality or county.
- 2036 (2) (a) If an airport owner that owns an international airport also owns one or more
2037 extraterritorial airports, the airport owner shall create and maintain an advisory board
2038 as described in this section.
- 2039 (b) The advisory board shall advise and consult the airport owner according to the
2040 process set forth in ordinance, rule, or regulation of the airport owner.
- 2041 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,
2042 appointed as follows:
- 2043 (i) one individual from each municipality or county in which an extraterritorial
2044 airport is located, appointed:
- 2045 (A) according to an ordinance or policy in place in each municipality or county for
2046 appointing individuals to a board, if any; or
- 2047 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the
2048 chief executive officer of the municipality or county, with advice and consent
2049 from the legislative body of the municipality or county in which the
2050 extraterritorial airport is located; and
- 2051 (ii) as many individuals as necessary, appointed by the chief executive officer of the
2052 airport owner, with advice and consent from the legislative body of the airport
2053 owner, when added to the individuals appointed under Subsection (3)(a)(i), to
2054 equal 11 total members on the advisory board.
- 2055 (b) The airport owner shall ensure that members of the advisory board have the
2056 following qualifications:
- 2057 (i) at least one member with experience in commercial or industrial construction
2058 projects with a budget of at least \$10,000,000; and
- 2059 (ii) at least one member with experience in management and oversight of an entity
2060 with an operating budget of at least \$10,000,000.
- 2061 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)] Subsection (4)(b), the
2062 term of office for members of the advisory board shall be four years or until a
2063 successor is appointed, qualified, seated, and has taken the oath of office.~~
- 2064 (ii) A member of the advisory board may serve two terms.
- 2065 (b) When a vacancy occurs on the board for any reason, the replacement shall be
2066 appointed according to the procedures set forth in Subsection (3) for the member who
2067 vacated the seat, and the replacement shall serve for the remainder of the unexpired

- 2068 term.
- 2069 (5) The advisory board shall select a chair of the advisory board.
- 2070 ~~[(6) (a) For an airport owner that owns and operates an extraterritorial airport as of March~~
 2071 ~~9, 2017, that has an advisory board in place, the members of the advisory board may~~
 2072 ~~complete the member's respective current term on the advisory board.]~~
- 2073 ~~[(b) After March 9, 2017, and upon expiration of the current term of each member of the~~
 2074 ~~advisory board serving as of March 9, 2017, the airport owner shall ensure that the~~
 2075 ~~membership of the advisory board transitions to reflect the requirements of this section.]~~
- 2076 ~~[(7)] (6) (a) The chief executive officer of each municipality or county in which an~~
 2077 ~~extraterritorial airport is located, with the advice and consent of the respective~~
 2078 ~~legislative body of the municipality or county, may create an extraterritorial airport~~
 2079 ~~advisory board to represent the interests of the extraterritorial airport.~~
- 2080 (b) The extraterritorial airport advisory boards described in Subsection ~~[(7)(a)] (6)(a)~~
 2081 shall meet at least quarterly, and:
- 2082 (i) shall provide advisory support to the member of the advisory board representing
 2083 the municipality or county; and
- 2084 (ii) may advise in the request for proposals process of a fixed base operator for the
 2085 respective extraterritorial airport.
- 2086 ~~[(8)] (7) The airport owner, in consultation with the airport advisory board, shall, consistent~~
 2087 ~~with the requirements of federal law, study, produce an analysis, and advise regarding~~
 2088 ~~the highest and best use and operational strategy for each airport, including all lands,~~
 2089 ~~facilities, and assets owned by the airport owner.~~
- 2090 ~~[(9)] (8) An airport owner, in consultation with the county auditor and the county assessor of~~
 2091 ~~a county in which an extraterritorial airport is located, shall explore in good faith~~
 2092 ~~whether a municipality or county where an extraterritorial airport is located receives~~
 2093 ~~airport-related tax disbursements to which the municipality or county is entitled.~~
- 2094 ~~[(10)] (9) An airport owner shall report annually to the Transportation Interim Committee~~
 2095 ~~regarding the requirements in this section.~~
- 2096 Section 29. Section **72-10-205.5** is amended to read:
- 2097 **72-10-205.5 . Abandoned aircraft on airport property -- Seizure and disposal.**
- 2098 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:
- 2099 (i) remains in an idle state on airport property for 45 consecutive calendar days;
- 2100 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and
- 2101 (iii) is not in the process of actively being repaired.

- 2102 (b) "Abandoned aircraft" does not include an aircraft:
2103 (i) (A) that has current FAA registration; and
2104 [~~(ii)~~] (B) that has current state registration; or
2105 [~~(iii)~~] (ii) for which evidence is shown indicating repairs are in process, including:
2106 (A) receipts for parts and labor; or
2107 (B) a statement from a mechanic making the repairs.
- 2108 (2) An airport operator may take possession and dispose of an abandoned aircraft in
2109 accordance with Subsections (3) through (5).
- 2110 (3) Upon determining that an aircraft located on airport property is abandoned, the airport
2111 operator shall:
- 2112 (a) send, by registered mail, a notice containing the information described in Subsection
2113 (4) to the last known address of the last registered owner of the aircraft; and
2114 (b) publish a notice containing the information described in Subsection (4) in a
2115 newspaper of general circulation in the county where the airport is located if:
2116 (i) the owner or the address of the owner of the aircraft is unknown; or
2117 (ii) the mailed notice is returned to the airport operator without a forwarding address.
- 2118 (4) The notice described in Subsection (3) shall include:
- 2119 (a) the name, if known, and the last known address, if any, of the last registered owner
2120 of the aircraft;
- 2121 (b) a description of the aircraft, including the identification number, the location of the
2122 aircraft, and the date the aircraft is determined abandoned;
- 2123 (c) a statement describing the specific grounds for the determination that the aircraft is
2124 abandoned;
- 2125 (d) the amount of any accrued or unpaid airport charges; and
2126 (e) a statement indicating that the airport operator intends to take possession and dispose
2127 of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
2128 property, after payment in full of any charges described in Subsection (4)(d), within
2129 the later of:
- 2130 (i) 30 days after the day on which the notice is sent in accordance with Subsection
2131 (3)(a); or
2132 (ii) 30 days after the day on which the notice is published in accordance with
2133 Subsection (3)(b), if applicable.
- 2134 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport property,
2135 after payment in full of any charges described in Subsection (4)(d), within the time

- 2136 specified in Subsection (4)(e):
- 2137 (a) the abandoned aircraft becomes the property of the airport operator; and
- 2138 (b) the airport operator may dispose of the abandoned aircraft:
- 2139 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service;
- 2140 or
- 2141 (ii) in accordance with any other lawful method or procedure established by rule or
- 2142 ordinance adopted by the airport operator.
- 2143 (6) If an airport operator complies with the provisions of this section, the airport operator is
- 2144 immune from liability for the seizure and disposal of an abandoned aircraft in
- 2145 accordance with this section.

2146 Section 30. Section **72-17-101** is amended to read:

2147 **72-17-101 . Office of Rail Safety -- Creation -- Applicability.**

- 2148 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there is
- 2149 created within the department an Office of Rail Safety.
- 2150 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of Rail
- 2151 Safety, the executive director shall:
- 2152 (a) enter into an agreement with the Federal Railroad Administration to participate in
- 2153 inspection and investigation activities; and
- 2154 (b) obtain certification from the Federal Railroad Administration to undertake inspection
- 2155 and investigative responsibilities and duties.
- 2156 (3) In establishing the Office of Rail Safety in accordance with the duties described in 49
- 2157 C.F.R. Part 212, the department may hire personnel and establish the duties of the office
- 2158 in phases.
- 2159 (4) This ~~chapter~~ part applies to:
- 2160 (a) a class I railroad; and
- 2161 (b) commuter rail.

2162 Section 31. Section **72-17-102** is amended to read:

2163 **72-17-102 . Definitions.**

2164 As used in this ~~chapter~~ part:

- 2165 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.
- 2166 (2) "Commuter rail" means the same as that term is defined in Section 63N-3-602.
- 2167 (3) "Federal Railroad Administration" means the Federal Railroad Administration created
- 2168 in 49 U.S.C. Sec. 103.
- 2169 (4) "Office" means the Office of Rail Safety created in accordance with Section 72-17-101.

- 2170 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.
2171 Section 32. Section **77-11d-105** is amended to read:
2172 **77-11d-105 . Disposition of unclaimed property.**
- 2173 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or if
2174 the owner of the property is determined and notified, and fails to appear and claim
2175 the property after three months of the property's receipt by the local law enforcement
2176 agency, the agency shall:
- 2177 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
2178 Legal Notice Website established in Subsection 45-1-101(2)(b);
 - 2179 (ii) post a similar notice on the public website of the political subdivision within
2180 which the law enforcement agency is located; and
 - 2181 (iii) post a similar notice in a public place designated for notice within the law
2182 enforcement agency.
- 2183 (b) The notice shall:
- 2184 (i) give a general description of the item; and
 - 2185 (ii) the date of intended disposition.
- 2186 (c) The agency may not dispose of the lost or mislaid property until at least eight days
2187 after the date of publication and posting.
- 2188 (2) (a) If no claim is made for the lost or mislaid property within nine days of
2189 publication and posting, the agency shall notify the person who turned the property
2190 over to the local law enforcement agency, if it was turned over by a person under
2191 Section 77-11d-103.
- 2192 (b) Except as provided in Subsection (4), if that person has complied with the provisions
2193 of this chapter, the person may take the lost or mislaid property if the person:
- 2194 (i) pays the costs incurred for advertising and storage; and
 - 2195 (ii) signs a receipt for the item.
- 2196 (3) If the person who found the lost or mislaid property fails to take the property under the
2197 provisions of this chapter, the agency shall:
- 2198 (a) apply the property to a public interest use as provided in Subsection (4);
 - 2199 (b) sell the property at public auction and apply the proceeds of the sale to a public
2200 interest use; or
 - 2201 (c) destroy the property if it is unfit for a public interest use or sale.
- 2202 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency
2203 having possession of the property shall obtain from the agency's legislative body:

2204 [~~(a)~~] (i) permission to apply the property to a public interest use; and
2205 [~~(b)~~] (ii) the designation and approval of the public interest use of the property.
2206 (b) If the agency is a private law enforcement agency as defined in Subsection 53-19-102
2207 (4), the agency may apply the lost or mislaid property to a public interest use as
2208 provided in Subsection (4)(a) after obtaining the permission, designation, and
2209 approval of the legislative body of the municipality in which the agency is located.
2210 (5) Any person employed by a law enforcement agency who finds property may not claim
2211 or receive property under this section.
2212 Section 33. **Effective date.**
2213 This bill takes effect on May 1, 2024.