

1 **ADVANCED AIR MOBILITY AND AERONAUTICS**

2 **AMENDMENTS**

3 2024 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: Kay J. Christofferson

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends provision related to aeronautics and advanced air mobility systems.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ requires roadable aircraft to be registered as both a motor vehicle and as an aircraft;
- 15 ▶ provides for the distribution of registration fees for roadable aircraft and advanced
- 16 air mobility systems;
- 17 ▶ amends definitions related to airports of regional significance;
- 18 ▶ provides for the leasing of navigable airspace above highway rights-of-way in
- 19 certain circumstances;
- 20 ▶ extends certain land use protections to public use vertiports;
- 21 ▶ clarifies that flight is generally permitted in airspace over state lands and waters;
- 22 ▶ prohibits government entities from purchasing or operating an unmanned aircraft
- 23 system manufactured or assembled in certain foreign countries; and
- 24 ▶ makes technical changes.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-102**, as last amended by Laws of Utah 2023, Chapters 33, 532

32 **41-1a-203**, as last amended by Laws of Utah 2021, Chapter 59

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

34 372

35 **41-1a-1206**, as last amended by Laws of Utah 2023, Chapters 22, 33 and 464

36 **41-6a-1642**, as last amended by Laws of Utah 2023, Chapters 22, 33 and 532

37 **59-12-602**, as last amended by Laws of Utah 2023, Chapter 361

38 **72-2-126**, as last amended by Laws of Utah 2022, Chapter 99

39 **72-10-102**, as last amended by Laws of Utah 2023, Chapter 216

40 **72-10-110**, as last amended by Laws of Utah 2023, Chapter 216

41 **72-10-401**, as last amended by Laws of Utah 2023, Chapter 65

42 **72-10-403**, as last amended by Laws of Utah 2023, Chapter 65

43 ENACTS:

44 **72-10-1101**, Utah Code Annotated 1953

45 **72-10-1201**, Utah Code Annotated 1953

46 **72-10-1202**, Utah Code Annotated 1953



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

49 Section 1. Section **41-1a-102** is amended to read:

50 **41-1a-102. Definitions.**

51 As used in this chapter:

52 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

53 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
54 vehicles as operated and certified to by a weighmaster.

55 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
56 **41-22-2**.

57 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
58 **41-22-2**.

59 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
60 [41-22-2](#).

61 (6) "Alternative fuel vehicle" means:

62 (a) an electric motor vehicle;

63 (b) a hybrid electric motor vehicle;

64 (c) a plug-in hybrid electric motor vehicle; or

65 (d) a motor vehicle powered exclusively by a fuel other than:

66 (i) motor fuel;

67 (ii) diesel fuel;

68 (iii) natural gas; or

69 (iv) propane.

70 (7) "Amateur radio operator" means a person licensed by the Federal Communications
71 Commission to engage in private and experimental two-way radio operation on the amateur
72 band radio frequencies.

73 (8) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

74 (9) "Automated driving system" means the same as that term is defined in Section
75 [41-26-102.1](#).

76 (10) "Branded title" means a title certificate that is labeled:

77 (a) rebuilt and restored to operation;

78 (b) flooded and restored to operation; or

79 (c) not restored to operation.

80 (11) "Camper" means a structure designed, used, and maintained primarily to be
81 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
82 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
83 camping.

84 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
85 record of ownership between an identified owner and the described vehicle, vessel, or outboard
86 motor.

87 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
88 weighmaster.

89 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or

90 maintained for the transportation of persons or property that operates:

91 (a) as a carrier for hire, compensation, or profit; or

92 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
93 owner's commercial enterprise.

94 (15) "Commission" means the State Tax Commission.

95 (16) "Consumer price index" means the same as that term is defined in Section
96 [59-13-102](#).

97 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,
98 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
99 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
100 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

101 (18) "Diesel fuel" means the same as that term is defined in Section [59-13-102](#).

102 (19) "Division" means the Motor Vehicle Division of the commission, created in
103 Section [41-1a-106](#).

104 (20) "Dynamic driving task" means the same as that term is defined in Section
105 [41-26-102.1](#).

106 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an
107 electric motor drawing current from a rechargeable energy storage system.

108 (22) "Essential parts" means the integral and body parts of a vehicle of a type required
109 to be registered in this state, the removal, alteration, or substitution of which would tend to
110 conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type,
111 or mode of operation.

112 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
113 implement for drawing plows, mowing machines, and other implements of husbandry.

114 (24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
115 the owner's or operator's own use in the transportation of:

116 (i) farm products, including livestock and its products, poultry and its products,
117 floricultural and horticultural products;

118 (ii) farm supplies, including tile, fence, and any other thing or commodity used in
119 agricultural, floricultural, horticultural, livestock, and poultry production; and

120 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or

121 other purposes connected with the operation of a farm.

122 (b) "Farm truck" does not include the operation of trucks by commercial processors of
123 agricultural products.

124 (25) "Fleet" means one or more commercial vehicles.

125 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
126 this state from another state, territory, or country other than in the ordinary course of business
127 by or through a manufacturer or dealer, and not registered in this state.

128 (27) "Gross laden weight" means the actual weight of a vehicle or combination of
129 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

130 (28) "Highway" or "street" means the entire width between property lines of every way
131 or place of whatever nature when any part of it is open to the public, as a matter of right, for
132 purposes of vehicular traffic.

133 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
134 energy from onboard sources of stored energy that are both:

135 (a) an internal combustion engine or heat engine using consumable fuel; and

136 (b) a rechargeable energy storage system where energy for the storage system comes
137 solely from sources onboard the vehicle.

138 (30) (a) "Identification number" means the identifying number assigned by the
139 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
140 motor.

141 (b) "Identification number" includes a vehicle identification number, state assigned
142 identification number, hull identification number, and motor serial number.

143 (31) "Implement of husbandry" means a vehicle designed or adapted and used
144 exclusively for an agricultural operation and only incidentally operated or moved upon the
145 highways.

146 (32) (a) "In-state miles" means the total number of miles operated in this state during
147 the preceding year by fleet power units.

148 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the
149 total number of miles that those vehicles were towed on Utah highways during the preceding
150 year.

151 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,

152 province, territory, or possession of the United States or foreign country.

153 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or
154 possession of the United States or any foreign country.

155 (35) "Lienholder" means a person with a security interest in particular property.

156 (36) "Manufactured home" means a transportable factory built housing unit constructed
157 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
158 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
159 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
160 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
161 with or without a permanent foundation when connected to the required utilities, and includes
162 the plumbing, heating, air-conditioning, and electrical systems.

163 (37) "Manufacturer" means a person engaged in the business of constructing,
164 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
165 outboard motors for the purpose of sale or trade.

166 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured
167 for use by armed forces and that is maintained in a condition that represents the vehicle's
168 military design and markings regardless of current ownership or use.

169 (39) "Mobile home" means a transportable factory built housing unit built prior to June
170 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
171 Manufactured Housing and Safety Standards Act (HUD Code).

172 (40) "Motor fuel" means the same as that term is defined in Section [59-13-102](#).

173 (41) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
174 operation on the highways.

175 (b) "Motor vehicle" includes a roadable aircraft.

176 [~~(b)~~] (c) "Motor vehicle" does not include:

177 (i) an off-highway vehicle; or

178 (ii) a motor assisted scooter as defined in Section [41-6a-102](#).

179 (42) "Motorboat" means the same as that term is defined in Section [73-18-2](#).

180 (43) "Motorcycle" means:

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

183 (b) an autocycle.

184 (44) "Natural gas" means a fuel of which the primary constituent is methane.

185 (45) (a) "Nonresident" means a person who is not a resident of this state as defined by
186 Section 41-1a-202, and who does not engage in intrastate business within this state and does
187 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

188 (b) A person who engages in intrastate business within this state and operates in that
189 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
190 interstate commerce, maintains a vehicle in this state as the home station of that vehicle is
191 considered a resident of this state, insofar as that vehicle is concerned in administering this
192 chapter.

193 (46) "Odometer" means a device for measuring and recording the actual distance a
194 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
195 periodically reset.

196 (47) "Off-highway implement of husbandry" means the same as that term is defined in
197 Section 41-22-2.

198 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

199 (49) (a) "Operate" means:

200 (i) to navigate a vessel; or

201 (ii) collectively, the activities performed in order to perform the entire dynamic driving
202 task for a given motor vehicle by:

203 (A) a human driver as defined in Section 41-26-102.1; or

204 (B) an engaged automated driving system.

205 (b) "Operate" includes testing of an automated driving system.

206 (50) "Original issue license plate" means a license plate that is of a format and type
207 issued by the state in the same year as the model year of a vehicle that is a model year 1973 or
208 older.

209 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding
210 fuel supply, used to propel a vessel.

211 (52) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
212 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
213 security interest.

214 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
215 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
216 stated in the agreement and with an immediate right of possession vested in the conditional
217 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
218 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
219 chapter.

220 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
221 owner until the lessee exercises the lessee's option to purchase the vehicle.

222 (53) "Park model recreational vehicle" means a unit that:

223 (a) is designed and marketed as temporary living quarters for recreational, camping,
224 travel, or seasonal use;

225 (b) is not permanently affixed to real property for use as a permanent dwelling;

226 (c) requires a special highway movement permit for transit; and

227 (d) is built on a single chassis mounted on wheels with a gross trailer area not
228 exceeding 400 square feet in the setup mode.

229 (54) "Personalized license plate" means a license plate that has displayed on it a
230 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
231 to the vehicle by the division.

232 (55) (a) "Pickup truck" means a two-axle motor vehicle with motive power
233 manufactured, remanufactured, or materially altered to provide an open cargo area.

234 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a
235 camper, camper shell, tarp, removable top, or similar structure.

236 (56) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
237 has the capability to charge the battery or batteries used for vehicle propulsion from an
238 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
239 while the vehicle is in motion.

240 (57) "Pneumatic tire" means a tire in which compressed air is designed to support the
241 load.

242 (58) "Preceding year" means a period of 12 consecutive months fixed by the division
243 that is within 16 months immediately preceding the commencement of the registration or
244 license year in which proportional registration is sought. The division in fixing the period shall

245 conform it to the terms, conditions, and requirements of any applicable agreement or
246 arrangement for the proportional registration of vehicles.

247 (59) "Public garage" means a building or other place where vehicles or vessels are kept
248 and stored and where a charge is made for the storage and keeping of vehicles and vessels.

249 (60) "Receipt of surrender of ownership documents" means the receipt of surrender of
250 ownership documents described in Section [41-1a-503](#).

251 (61) "Reconstructed vehicle" means a vehicle of a type required to be registered in this
252 state that is materially altered from its original construction by the removal, addition, or
253 substitution of essential parts, new or used.

254 (62) "Recreational vehicle" means the same as that term is defined in Section
255 [13-14-102](#).

256 (63) "Registration" means a document issued by a jurisdiction that allows operation of
257 a vehicle or vessel on the highways or waters of this state for the time period for which the
258 registration is valid and that is evidence of compliance with the registration requirements of the
259 jurisdiction.

260 (64) "Registration decal" means the decal issued by the division that is evidence of
261 compliance with the division's registration requirements.

262 (65) (a) "Registration year" means a 12 consecutive month period commencing with
263 the completion of the applicable registration criteria.

264 (b) For administration of a multistate agreement for proportional registration the
265 division may prescribe a different 12-month period.

266 (66) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
267 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
268 or outboard motor, or by correcting the inoperative part.

269 (67) "Replica vehicle" means:

270 (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

271 (b) a custom vehicle that meets the requirements under Subsection
272 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

273 (68) "Restored-modified vehicle" means a motor vehicle that has been restored and
274 modified with modern parts and technology, including emission control technology and an
275 on-board diagnostic system.

276 (69) "Road tractor" means a motor vehicle designed and used for drawing other
277 vehicles and constructed so it does not carry any load either independently or any part of the
278 weight of a vehicle or load that is drawn.

279 (70) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.

280 [~~(70)~~] (71) "Sailboat" means the same as that term is defined in Section 73-18-2.

281 [~~(71)~~] (72) "Security interest" means an interest that is reserved or created by a security
282 agreement to secure the payment or performance of an obligation and that is valid against third
283 parties.

284 [~~(72)~~] (73) "Semitrailer" means a vehicle without motive power designed for carrying
285 persons or property and for being drawn by a motor vehicle and constructed so that some part
286 of its weight and its load rests or is carried by another vehicle.

287 [~~(73)~~] (74) "Special group license plate" means a type of license plate designed for a
288 particular group of people or a license plate authorized and issued by the division in accordance
289 with Section 41-1a-418 or Part 16, Sponsored Special Group License Plates.

290 [~~(74)~~] (75) (a) "Special interest vehicle" means a vehicle used for general
291 transportation purposes and that is:

- 292 (i) 20 years or older from the current year; or
- 293 (ii) a make or model of motor vehicle recognized by the division director as having
294 unique interest or historic value.

295 (b) In making a determination under Subsection [~~(74)(a)~~] (75)(a), the division director
296 shall give special consideration to:

- 297 (i) a make of motor vehicle that is no longer manufactured;
- 298 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 299 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
300 designed exclusively for educational purposes or museum display; or
- 301 (iv) a motor vehicle of any age or make that has not been substantially altered or
302 modified from original specifications of the manufacturer and because of its significance is
303 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
304 leisure pursuit.

305 [~~(75)~~] (76) (a) "Special mobile equipment" means a vehicle:

- 306 (i) not designed or used primarily for the transportation of persons or property;

307 (ii) not designed to operate in traffic; and
308 (iii) only incidentally operated or moved over the highways.

309 (b) "Special mobile equipment" includes:

310 (i) farm tractors;

311 (ii) off-road motorized construction or maintenance equipment including backhoes,
312 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

313 (iii) ditch-digging apparatus.

314 (c) "Special mobile equipment" does not include a commercial vehicle as defined
315 under Section [72-9-102](#).

316 ~~[(76)]~~ [\(77\)](#) "Specially constructed vehicle" means a vehicle of a type required to be
317 registered in this state, not originally constructed under a distinctive name, make, model, or
318 type by a generally recognized manufacturer of vehicles, and not materially altered from its
319 original construction.

320 ~~[(77)]~~ [\(78\)](#) (a) "Standard license plate" means a license plate for general issue
321 described in Subsection [41-1a-402](#)(1).

322 (b) "Standard license plate" includes a license plate for general issue that the division
323 issues before January 1, 2024.

324 ~~[(78)]~~ [\(79\)](#) "State impound yard" means a yard for the storage of a vehicle, vessel, or
325 outboard motor that meets the requirements of rules made by the commission pursuant to
326 Subsection [41-1a-1101](#)(5).

327 ~~[(79)]~~ [\(80\)](#) "Symbol decal" means the decal that is designed to represent a special
328 group and displayed on a special group license plate.

329 ~~[(80)]~~ [\(81\)](#) "Title" means the right to or ownership of a vehicle, vessel, or outboard
330 motor.

331 ~~[(81)]~~ [\(82\)](#) (a) "Total fleet miles" means the total number of miles operated in all
332 jurisdictions during the preceding year by power units.

333 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
334 the number of miles that those vehicles were towed on the highways of all jurisdictions during
335 the preceding year.

336 ~~[(82)]~~ [\(83\)](#) "Tow truck motor carrier" means the same as that term is defined in Section
337 [72-9-102](#).

338 ~~[(83)]~~ (84) "Tow truck operator" means the same as that term is defined in Section
339 [72-9-102](#).

340 ~~[(84)]~~ (85) "Trailer" means a vehicle without motive power designed for carrying
341 persons or property and for being drawn by a motor vehicle and constructed so that no part of
342 its weight rests upon the towing vehicle.

343 ~~[(85)]~~ (86) "Transferee" means a person to whom the ownership of property is
344 conveyed by sale, gift, or any other means except by the creation of a security interest.

345 ~~[(86)]~~ (87) "Transferor" means a person who transfers the person's ownership in
346 property by sale, gift, or any other means except by creation of a security interest.

347 ~~[(87)]~~ (88) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
348 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
349 vacation use that does not require a special highway movement permit when drawn by a
350 self-propelled motor vehicle.

351 ~~[(88)]~~ (89) "Truck tractor" means a motor vehicle designed and used primarily for
352 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
353 vehicle and load that is drawn.

354 ~~[(89)]~~ (90) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
355 camper, park model recreational vehicle, manufactured home, and mobile home.

356 ~~[(90)]~~ (91) "Vessel" means the same as that term is defined in Section [73-18-2](#).

357 ~~[(91)]~~ (92) "Vintage vehicle" means the same as that term is defined in Section
358 [41-21-1](#).

359 ~~[(92)]~~ (93) "Waters of this state" means the same as that term is defined in Section
360 [73-18-2](#).

361 ~~[(93)]~~ (94) "Weighmaster" means a person, association of persons, or corporation
362 permitted to weigh vehicles under this chapter.

363 Section 2. Section **41-1a-203** is amended to read:

364 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
365 **renewal.**

366 (1) (a) (i) Except as provided in Subsection (1)(b), the division shall mail a notification
367 to the owner of a vehicle at least 30 days before the date the vehicle's registration is due to
368 expire.

369 (ii) The division shall ensure that mailing of notifications described in Section (1)(a)(i)
370 begins as soon as practicable.

371 (b) (i) The division shall provide a process for a vehicle owner to choose to receive
372 electronic notification of the pending expiration of a vehicle's registration.

373 (ii) If a vehicle owner chooses electronic notification, the division shall notify by email
374 the owner of a vehicle at least 30 days before the date the vehicle's registration is due to expire.

375 (2) Except as otherwise provided, before registration of a vehicle, an owner shall:

376 (a) obtain an identification number inspection under Section 41-1a-204;

377 (b) obtain a certificate of emissions inspection, if required in the current year, as
378 provided under Section 41-6a-1642;

379 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
380 41-1a-206 or 41-1a-207;

381 (d) pay the automobile driver education tax required by Section 41-1a-208;

382 (e) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

383 (f) pay the uninsured motorist identification fee under Section 41-1a-1218, if
384 applicable;

385 (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;

386 (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; ~~and~~

387 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act[-]; and

388 (j) for a roadable aircraft, provide proof of registration of the roadable aircraft as an
389 aircraft under Section 72-10-109.

390 (3) In addition to the requirements in Subsection (1), an owner of a vehicle that has not
391 been previously registered or that is currently registered under a previous owner's name shall
392 apply for a valid certificate of title in the owner's name before registration.

393 (4) The division may not issue a new registration, transfer of ownership, or registration
394 renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this chapter
395 unless a certificate of title has been or is in the process of being issued in the same owner's
396 name.

397 (5) The division may not issue a new registration, transfer of ownership, or registration
398 renewal under Section 41-22-3 for an off-highway vehicle that is subject to this chapter unless
399 a certificate of title has been or is in the process of being issued in the same owner's name.

400 (6) The division may not issue a registration renewal for a motor vehicle if the division
401 has received a hold request for the motor vehicle for which a registration renewal has been
402 requested as described in:

403 (a) Section 72-1-213.1; or

404 (b) Section 72-6-118.

405 Section 3. Section 41-1a-1201 is amended to read:

406 **41-1a-1201. Disposition of fees.**

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

409 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections
410 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees
411 collected under this part shall be deposited into the Transportation Fund.

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

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

418 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
419 and (b) for each vehicle registered for a six-month registration period under Section
420 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and
421 administering this part.

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

425 (5) (a) The following portions of the registration fees imposed under Section
426 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of
427 2005 created in Section 72-2-124:

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

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

- 431 (1)(c)(ii);
- 432 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
- 433 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
- 434 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); [~~and~~]
- 435 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii)[-]; and
- 436 (vii) \$15 of the registration fee imposed under Subsection 41-1a-1206(1)(j).
- 437 (b) The following portions of the registration fees collected for each vehicle registered
- 438 for a six-month registration period under Section 41-1a-215.5 shall be deposited into the
- 439 Transportation Investment Fund of 2005 created in Section 72-2-124:
- 440 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
- 441 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 442 (6) (a) Ninety-four cents of each registration fee imposed under Subsections
- 443 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
- 444 Account created in Section 53-3-106.
- 445 (b) Seventy-one cents of each registration fee imposed under Subsections
- 446 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
- 447 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in
- 448 Section 53-3-106.
- 449 (7) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
- 450 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted
- 451 Account created in Section 53-8-214.
- 452 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)
- 453 and (b) for each vehicle registered for a six-month registration period under Section
- 454 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account
- 455 created in Section 53-8-214.
- 456 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for
- 457 each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section
- 458 26B-1-319.
- 459 (9) (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each
- 460 registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural
- 461 Transportation Infrastructure Fund created in Section 72-2-133.

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

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

467 (ii) 0.

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

470 Section 4. Section **41-1a-1206** is amended to read:

471 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

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

475 (a) \$46.00 for each motorcycle;

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

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

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

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

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

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

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

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

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

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

492 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;

- 493 (h) in addition to the fee described in Subsection (1)(b):
- 494 (i) an amount equal to the road usage charge cap described in Section [72-1-213.1](#) for:
- 495 (A) each electric motor vehicle; and
- 496 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled
- 497 exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;
- 498 (ii) \$21.75 for each hybrid electric motor vehicle; and
- 499 (iii) \$56.50 for each plug-in hybrid electric motor vehicle; [~~and~~]
- 500 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a
- 501 model year of 1983 or newer, 50 cents[-]; and
- 502 (j) \$22 for each roadable aircraft.
- 503 (2) (a) At the time application is made for registration or renewal of registration of a
- 504 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a
- 505 registration fee shall be paid to the division as follows:
- 506 (i) \$34.50 for each motorcycle; and
- 507 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
- 508 excluding motorcycles.
- 509 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal
- 510 of registration of a vehicle under this chapter for a six-month registration period under Section
- 511 [41-1a-215.5](#) a registration fee shall be paid to the division as follows:
- 512 (i) an amount equal to the road usage charge cap described in Section [72-1-213.1](#) for:
- 513 (A) each electric motor vehicle; and
- 514 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled exclusively
- 515 by a source other than motor fuel, diesel fuel, natural gas, or propane;
- 516 (ii) \$16.50 for each hybrid electric motor vehicle; and
- 517 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 518 (3) (a) Beginning on January 1, 2024, at the time of registration:
- 519 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
- 520 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual shall also pay
- 521 an additional \$7 as part of the registration fee; and
- 522 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
- 523 pay an additional \$5 as part of the registration fee.

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

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

530 (B) 0.

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

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

536 (B) 0.

537 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
538 nearest 25 cents.

539 (4) (a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
540 older is \$40.

541 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the
542 renewal of registration fees under Subsection (1).

543 (c) A vehicle with a Purple Heart special group license plate issued on or before
544 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License
545 Plates, is exempt from the registration fees under Subsection (1).

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

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

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

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

554 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative

555 to registering under Subsection (1)(c), apply for and obtain a special registration and license
556 plate for a fee of \$130.

557 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm
558 truck unless:

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

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

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

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

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

569 Section 5. Section 41-6a-1642 is amended to read:

570 **41-6a-1642. Emissions inspection -- County program.**

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

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

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

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

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

585 (i) the federal government;

586 (ii) the state and any of its agencies; or
587 (iii) a political subdivision of the state, including school districts.
588 (2) (a) A vehicle owner subject to Subsection (1) shall obtain a motor vehicle
589 emissions inspection and maintenance program certificate of emissions inspection as described
590 in Subsection (1), but the program may not deny vehicle registration based solely on the
591 presence of a defeat device covered in the Volkswagen partial consent decrees or a United
592 States Environmental Protection Agency-approved vehicle modification in the following
593 vehicles:
594 (i) a 2.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions
595 are mitigated in the state pursuant to a partial consent decree, including:
596 (A) Volkswagen Jetta, model years 2009, 2010, 2011, 2012, 2013, 2014, and 2015;
597 (B) Volkswagen Jetta Sportwagen, model years 2009, 2010, 2011, 2012, 2013, and
598 2014;
599 (C) Volkswagen Golf, model years 2010, 2011, 2012, 2013, 2014, and 2015;
600 (D) Volkswagen Golf Sportwagen, model year 2015;
601 (E) Volkswagen Passat, model years 2012, 2013, 2014, and 2015;
602 (F) Volkswagen Beetle, model years 2013, 2014, and 2015;
603 (G) Volkswagen Beetle Convertible, model years 2013, 2014, and 2015; and
604 (H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and
605 (ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide
606 emissions are mitigated in the state to a settlement, including:
607 (A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and
608 2016;
609 (B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;
610 (C) Audi A6 Quattro, model years 2014, 2015, and 2016;
611 (D) Audi A7 Quattro, model years 2014, 2015, and 2016;
612 (E) Audi A8, model years 2014, 2015, and 2016;
613 (F) Audi A8L, model years 2014, 2015, and 2016;
614 (G) Audi Q5, model years 2014, 2015, and 2016; and
615 (H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.
616 (b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a

617 motor vehicle emissions inspection and maintenance program certificate of emissions
618 inspection as described in Subsection (1).

619 (ii) A county emissions program may not refuse to perform an emissions inspection or
620 indicate a failed emissions test of the vehicle based solely on a modification to the engine or
621 component of the motor vehicle if:

622 (A) the modification is not likely to result in the motor vehicle having increased
623 emissions relative to the emissions of the motor vehicle before the modification; and

624 (B) the motor vehicle modification is a change to an engine that is newer than the
625 engine with which the motor vehicle was originally equipped, or the engine includes
626 technology that increases the facility of the administration of an emissions test, such as an
627 on-board diagnostics system.

628 (iii) The first time an owner seeks to obtain an emissions inspection as a prerequisite to
629 registration of a restored-modified vehicle:

630 (A) the owner shall present the signed statement described in Subsection [41-1a-226\(4\)](#);
631 and

632 (B) the county emissions program shall perform the emissions test.

633 (iv) If a motor vehicle is registered as a restored-modified vehicle and the registration
634 certificate is notated as described in Subsection [41-1a-226\(4\)](#), a county emissions program may
635 not refuse to perform an emissions test based solely on the restored-modified status of the
636 motor vehicle.

637 (3) (a) The legislative body of a county identified in Subsection (1), in consultation
638 with the Air Quality Board created under Section [19-1-106](#), shall make regulations or
639 ordinances regarding:

640 (i) emissions standards;

641 (ii) test procedures;

642 (iii) inspections stations;

643 (iv) repair requirements and dollar limits for correction of deficiencies; and

644 (v) certificates of emissions inspections.

645 (b) In accordance with Subsection (3)(a), a county legislative body:

646 (i) shall make regulations or ordinances to attain or maintain ambient air quality
647 standards in the county, consistent with the state implementation plan and federal

648 requirements;

649 (ii) may allow for a phase-in of the program by geographical area; and

650 (iii) shall comply with the analyzer design and certification requirements contained in
651 the state implementation plan prepared under Title 19, Chapter 2, Air Conservation Act.

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

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

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

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

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

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

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

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

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

668 (b) a motor vehicle that:

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

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

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

672 (i) if the vintage vehicle has a model year of 1982 or older; or

673 (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides
674 proof of vehicle insurance that is a type specific to a vehicle collector;

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

676 (e) to the extent allowed under the current federally approved state implementation
677 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor
678 vehicle that is less than two years old on January 1 based on the age of the vehicle as

679 determined by the model year identified by the manufacturer;

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

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

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

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

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

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

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

693 (i) a motor vehicle with a model year of 1967 or older~~[-]~~; and

694 (j) a roadable aircraft as defined in Section 72-10-102.

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

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

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

701 (b) model year of 1997 or older.

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

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

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

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

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

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

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

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

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

712 (8) (a) Subject to Subsection (8)(c), the legislative body of each county required under
713 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
714 which an emissions inspection and maintenance program is necessary to attain or maintain any
715 national ambient air quality standard may require each college or university located in a county
716 subject to this section to require its students and employees who park a motor vehicle not
717 registered in a county subject to this section to provide proof of compliance with an emissions
718 inspection accepted by the county legislative body if the motor vehicle is parked on the college
719 or university campus or property.

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

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

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

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

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

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

737 (iii) For a county required to implement a new vehicle emissions inspection and
738 maintenance program on or after December 1, 2012, under Subsection (1), but for which no
739 current federally approved state implementation plan exists, a vehicle shall be tested at a
740 frequency determined by the county legislative body, in consultation with the Air Quality

741 Board created under Section 19-1-106, that is necessary to comply with federal law or attain or
742 maintain any national ambient air quality standard.

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

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

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

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

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

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

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

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

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

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

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

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

770 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the owner may not
771 use an emissions inspection made more than 11 months before the renewal of registration to

772 satisfy the requirement under this section.

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

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

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

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

785 (13) (a) Except as provided in Subsection [41-1a-1223\(1\)\(c\)](#), a county identified in
786 Subsection (1) may impose a local emissions compliance fee on each motor vehicle registration
787 within the county in accordance with the procedures and requirements of Section [41-1a-1223](#).

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

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

794 (14) (a) If a county has reason to believe that a vehicle owner has provided an address
795 as required in Section [41-1a-209](#) to register or attempt to register a motor vehicle in a county
796 other than the county of the bona fide residence of the owner in order to avoid an emissions
797 inspection required under this section, the county may investigate and gather evidence to
798 determine whether the vehicle owner has used a false address or an address other than the
799 vehicle owner's bona fide residence or place of business.

800 (b) If a county conducts an investigation as described in Subsection (14)(a) and
801 determines that the vehicle owner has used a false or improper address in an effort to avoid an
802 emissions inspection as required in this section, the county may impose a civil penalty of

803 \$1,000.

804 (15) A county legislative body described in Subsection (1) may exempt a motor vehicle
805 from an emissions inspection if:

806 (a) the motor vehicle is 30 years old or older;

807 (b) the county determines that the motor vehicle was driven less than 1,500 miles
808 during the preceding 12-month period; and

809 (c) the owner provides to the county legislative body a statement signed by the owner
810 that states the motor vehicle:

811 (i) is primarily a collector's item used for:

812 (A) participation in club activities;

813 (B) exhibitions;

814 (C) tours; or

815 (D) parades; or

816 (ii) is only used for occasional transportation.

817 Section 6. Section **59-12-602** is amended to read:

818 **59-12-602. Definitions.**

819 As used in this part:

820 ~~[(1)(a) Subject to Subsection (1)(b), "airport facility" means an airport of regional
821 significance, as defined by the Transportation Commission by rule made in accordance with
822 Title 63G, Chapter 3, Utah Administrative Rulemaking Act. (b)]~~

823 (1) "Airport facility" [includes] means an airport of regional significance, and includes:

824 ~~[(i)]~~ (a) an appurtenance to an airport, including a fixed guideway that provides
825 transportation service to or from the airport;

826 ~~[(ii)]~~ (b) a control tower, including a radar system;

827 ~~[(iii)]~~ (c) a public area of an airport; or

828 ~~[(iv)]~~ (d) a terminal facility.

829 (2) "Airport of regional significance" means the same as that term is defined in Section
830 [59-12-2202](#).

831 ~~[(2)]~~ (3) "All-terrain type I vehicle" means the same as that term is defined in Section
832 [41-22-2](#).

833 ~~[(3)]~~ (4) "All-terrain type II vehicle" means the same as that term is defined in Section

834 41-22-2.

835 [~~(4)~~] (5) "All-terrain type III vehicle" means the same as that term is defined in Section
836 41-22-2.

837 [~~(5)~~] (6) "Convention facility" means any publicly owned or operated convention
838 center, sports arena, or other facility at which conventions, conferences, and other gatherings
839 are held and whose primary business or function is to host such conventions, conferences, and
840 other gatherings.

841 [~~(6)~~] (7) "Cultural facility" means any publicly owned or operated museum, theater, art
842 center, music hall, or other cultural or arts facility.

843 [~~(7)~~] (8) (a) Except as provided in Subsection [~~(7)~~](b), "off-highway vehicle"
844 means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III
845 vehicle, or motorcycle.

846 (b) "Off-highway vehicle" does not include a vehicle that is a motor vehicle under
847 Section 41-1a-102.

848 [~~(8)~~] (9) "Motorcycle" means the same as that term is defined in Section 41-22-2.

849 [~~(9)~~] (10) "Recreation facility" or "tourist facility" means any publicly owned or
850 operated park, campground, marina, dock, golf course, water park, historic park, monument,
851 planetarium, zoo, bicycle trails, and other recreation or tourism-related facility.

852 [~~(10)~~] (11) (a) Except as provided in Subsection [~~(10)~~](c), "recreational
853 vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary
854 dwelling for travel, recreational, or vacation use, that is pulled by another vehicle.

855 (b) "Recreational vehicle" includes:

- 856 (i) a travel trailer;
857 (ii) a camping trailer; and
858 (iii) a fifth wheel trailer.

859 (c) "Recreational vehicle" does not include a vehicle that is a motor vehicle under
860 Section 41-1a-102.

861 [~~(11)~~] (12) (a) "Restaurant" includes any coffee shop, cafeteria, luncheonette, soda
862 fountain, or fast-food service where food is prepared for immediate consumption.

863 (b) "Restaurant" does not include:

- 864 (i) any retail establishment whose primary business or function is the sale of fuel or

865 food items for off-premise, but not immediate, consumption; and

866 (ii) a theater that sells food items, but not a dinner theater.

867 ~~[(12)]~~ (13) (a) "Short-term rental" means a lease or rental that is 30 days or less.

868 (b) "Short-term rental" does not include car sharing as that term is defined in Section
869 13-48a-101.

870 ~~[(13)]~~ (14) "Snowmobile" means the same as that term is defined in Section 41-22-2.

871 ~~[(14)]~~ (15) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
872 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
873 vacation use that does not require a special highway movement permit when drawn by a
874 self-propelled motor vehicle.

875 Section 7. Section 72-2-126 is amended to read:

876 **72-2-126. Aeronautics Restricted Account.**

877 (1) There is created a restricted account entitled the Aeronautics Restricted Account
878 within the Transportation Fund.

879 (2) The account consists of money generated from the following revenue sources:

880 (a) aviation fuel tax allocated for aeronautical operations deposited into the account in
881 accordance with Section 59-13-402;

882 (b) aircraft registration fees deposited into the account in accordance with Section
883 72-10-110;

884 (c) appropriations made to the account by the Legislature;

885 (d) contributions from other public and private sources for deposit into the account;

886 and

887 (e) interest earned on account money.

888 (3) The department shall allocate funds in the account to the separate accounts of
889 individual airports as required under Section 59-13-402.

890 (4) (a) Except as provided in Subsection (4)(b), the department shall use funds in the
891 account for:

892 (i) the construction, improvement, operation, and maintenance of publicly used airports
893 in this state;

894 (ii) the payment of principal and interest on indebtedness incurred for the purposes
895 described in Subsection (4)(a);

896 (iii) operation of the division of aeronautics;
897 (iv) the promotion of aeronautics in this state; and
898 (v) the payment of the costs and expenses of the Department of Transportation in
899 administering Title 59, Chapter 13, Part 4, Aviation Fuel, or another law conferring upon it the
900 duty of regulating and supervising aeronautics in this state.

901 (b) (i) The department may use funds in the account for the support of aerial search and
902 rescue operations, provided that no money deposited into the account under Subsection (2)(a)
903 is used for that purpose.

904 (ii) The department may use funds in the account from the registration of unmanned
905 aircraft systems only for state infrastructure and administration related to advanced air mobility
906 and unmanned aircraft systems.

907 (5) (a) Money in the account may not be used by the department for the purchase of
908 aircraft for purposes other than those described in Subsection (4).

909 (b) Money in the account may not be used to provide or subsidize direct operating costs
910 of travel for purposes other than those described in Subsection (4).

911 (6) The Department may not use money in the account to fund:

912 (a) more than 77% of the operations costs related to state owned aircraft in fiscal year
913 2023-24;

914 (b) more than 52% of the operations costs related to state owned aircraft in fiscal year
915 2024-25;

916 (c) more than 26% of the operations costs related to state owned aircraft in fiscal year
917 2025-26;

918 (d) more than 10% of the operations costs related to state owned aircraft in fiscal year
919 2026-27; or

920 (e) any operations costs related to state owned aircraft in a fiscal year beginning on or
921 after July 1, 2027.

922 Section 8. Section **72-10-102** is amended to read:

923 **72-10-102. Definitions.**

924 As used in this chapter:

925 (1) "Acrobatics" means the intentional maneuvers of an aircraft not necessary to air
926 navigation.

927 (2) (a) "Advanced air mobility system" means a system that transports individuals and
928 property using piloted and unpiloted aircraft, including electric aircraft and electric vertical
929 takeoff and landing aircraft, in controlled or uncontrolled airspace.

930 (b) "Advanced air mobility system" includes each component of a system described in
931 Subsection (2)(a), including:

- 932 (i) the aircraft, including payload;
- 933 (ii) communications equipment;
- 934 (iii) navigation equipment;
- 935 (iv) controllers;
- 936 (v) support equipment; and
- 937 (vi) remote and autonomous functions.

938 (3) "Aerial transit corridor" means an airspace volume defining a three-dimensional
939 route segment with performance requirements to operate within or to cross where tactical air
940 traffic control separation services are not provided.

941 (4) "Aeronautics" means transportation by aircraft, air instruction, the operation, repair,
942 or maintenance of aircraft, and the design, operation, repair, or maintenance of airports, or
943 other air navigation facilities.

944 (5) "Aeronautics instructor" means any individual engaged in giving or offering to give
945 instruction in aeronautics, flying, or ground subjects, either with or without:

- 946 (a) compensation or other reward;
- 947 (b) advertising the occupation;
- 948 (c) calling his facilities an air school, or any equivalent term; or
- 949 (d) employing or using other instructors.

950 (6) "Aircraft" means any contrivance now known or in the future invented, used, or
951 designed for navigation of or flight in the air.

952 (7) "Air instruction" means the imparting of aeronautical information by any aviation
953 instructor or in any air school or flying club.

954 (8) "Airport" means any area of land, water, or both, that:

- 955 (a) is used or is made available for landing and takeoff;
- 956 (b) provides facilities for the shelter, supply, and repair of aircraft, and handling of
957 passengers and cargo;

958 (c) meets the minimum requirements established by the department as to size and
959 design, surface, marking, equipment, and operation; and

960 (d) includes all areas shown as part of the airport in the current airport layout plan as
961 approved by the Federal Aviation Administration.

962 (9) "Airport authority" means a political subdivision of the state, other than a county or
963 municipality, that is authorized by statute to operate an airport.

964 (10) "Airport operator" means a municipality, county, or airport authority that owns or
965 operates a commercial airport.

966 (11) (a) "Airport revenue" means:

967 (i) all fees, charges, rents, or other payments received by or accruing to an airport
968 operator for any of the following reasons:

969 (A) revenue from air carriers, tenants, lessees, purchasers of airport properties, airport
970 permittees making use of airport property and services, and other parties;

971 (B) revenue received from the activities of others or the transfer of rights to others
972 relating to the airport, including revenue received:

973 (I) for the right to conduct an activity on the airport or to use or occupy airport
974 property;

975 (II) for the sale, transfer, or disposition of airport real or personal property, or any
976 interest in that property, including transfer through a condemnation proceeding;

977 (III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural
978 products or water owned by the airport operator to be taken from the airport; and

979 (IV) for the right to conduct an activity on, or for the use or disposition of, real or
980 personal property or any interest in real or personal property owned or controlled by the airport
981 operator and used for an airport-related purpose but not located on the airport; or

982 (C) revenue received from activities conducted by the airport operator whether on or
983 off the airport, which is directly connected to the airport operator's ownership or operation of
984 the airport; and

985 (ii) state and local taxes on aviation fuel.

986 (b) "Airport revenue" does not include amounts received by an airport operator as
987 passenger facility fees pursuant to 49 U.S.C. Sec. 40117.

988 (12) "Air school" means any person engaged in giving, offering to give, or advertising,

989 representing, or holding himself out as giving, with or without compensation or other reward,
990 instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

991 (13) "Airworthiness" means conformity with requirements prescribed by the Federal
992 Aviation Administration regarding the structure or functioning of aircraft, engine, parts, or
993 accessories.

994 (14) "Civil aircraft" means any aircraft other than a public aircraft.

995 (15) "Commercial aircraft" means aircraft used for commercial purposes.

996 (16) "Commercial airport" means a landing area, landing strip, or airport that may be
997 used for commercial operations.

998 (17) "Commercial flight operator" means a person who conducts commercial
999 operations.

1000 (18) "Commercial operations" means:

1001 (a) any operations of an aircraft for compensation or hire or any services performed
1002 incidental to the operation of any aircraft for which a fee is charged or compensation is
1003 received, including the servicing, maintaining, and repairing of aircraft, the rental or charter of
1004 aircraft, the operation of flight or ground schools, the operation of aircraft for the application or
1005 distribution of chemicals or other substances, and the operation of aircraft for hunting and
1006 fishing; or

1007 (b) the brokering or selling of any of these services; but

1008 (c) does not include any operations of aircraft as common carriers certificated by the
1009 federal government or the services incidental to those operations.

1010 (19) "Correctional facility" means the same as that term is defined in Section
1011 [77-16b-102](#).

1012 (20) "Dealer" means any person who is actively engaged in the business of flying for
1013 demonstration purposes, or selling or exchanging aircraft, and who has an established place of
1014 business.

1015 (21) "Experimental aircraft" means:

1016 (a) any aircraft designated by the Federal Aviation Administration or the military as
1017 experimental and used solely for the purpose of experiments, or tests regarding the structure or
1018 functioning of aircraft, engines, or their accessories; and

1019 (b) any aircraft designated by the Federal Aviation Administration as:

- 1020 (i) being custom or amateur built; and
- 1021 (ii) used for recreational, educational, or display purposes.
- 1022 (22) "Flight" means any kind of locomotion by aircraft while in the air.
- 1023 (23) "Flying club" means five or more persons who for neither profit nor reward own,
- 1024 lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.
- 1025 (24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a
- 1026 power plant.
- 1027 (25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or
- 1028 overhauls aircraft, engines, or accessories.
- 1029 (26) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec.
- 1030 40102.
- 1031 [~~(26)~~] (27) "Parachute jumper" means any person who has passed the required test for
- 1032 jumping with a parachute from an aircraft, and has passed an examination showing that he
- 1033 possesses the required physical and mental qualifications for the jumping.
- 1034 [~~(27)~~] (28) "Parachute rigger" means any person who has passed the required test for
- 1035 packing, repairing, and maintaining parachutes.
- 1036 [~~(28)~~] (29) "Passenger aircraft" means aircraft used for transporting persons, in
- 1037 addition to the pilot or crew, with or without their necessary personal belongings.
- 1038 [~~(29)~~] (30) "Person" means any individual, corporation, limited liability company, or
- 1039 association of individuals.
- 1040 [~~(30)~~] (31) "Pilot" means any person who operates the controls of an aircraft while
- 1041 in-flight.
- 1042 [~~(31)~~] (32) "Primary glider" means any glider that has a gliding angle of less than 10 to
- 1043 one.
- 1044 [~~(32)~~] (33) "Public aircraft" means an aircraft used exclusively in the service of any
- 1045 government or of any political subdivision, including the government of the United States, of
- 1046 the District of Columbia, and of any state, territory, or insular possession of the United States,
- 1047 but not including any government-owned aircraft engaged in carrying persons or goods for
- 1048 commercial purposes.
- 1049 [~~(33)~~] (34) "Reckless flying" means the operation or piloting of any aircraft recklessly,
- 1050 or in a manner as to endanger the property, life, or body of any person, due regard being given

1051 to the prevailing weather conditions, field conditions, and to the territory being flown over.

1052 ~~[(34)]~~ (35) "Registration number" means the number assigned by the Federal Aviation
1053 Administration to any aircraft, whether or not the number includes a letter or letters.

1054 (36) "Roadable aircraft" means an aircraft capable of taking off and landing from a
1055 suitable airfield and is also designed to be driven on a highway as a conveyance.

1056 ~~[(35)]~~ (37) "Secondary glider" means any glider that has a gliding angle between 10 to
1057 one and 16 to one, inclusive.

1058 ~~[(36)]~~ (38) "Soaring glider" means any glider that has a gliding angle of more than 16
1059 to one.

1060 ~~[(37)]~~ (39) "Unmanned aircraft" means an aircraft that is:

1061 (a) capable of sustaining flight; and

1062 (b) operated with no possible direct human intervention from on or within the aircraft.

1063 ~~[(38)]~~ (40) "Unmanned aircraft system" means the entire system used to operate an
1064 unmanned aircraft, including:

1065 (a) the unmanned aircraft, including payload;

1066 (b) communications equipment;

1067 (c) navigation equipment;

1068 (d) controllers;

1069 (e) support equipment; and

1070 (f) autopilot functionality.

1071 ~~[(39)]~~ (41) "Unmanned aircraft system traffic management" means a traffic
1072 management ecosystem for uncontrolled operations, including unmanned aircraft systems, that
1073 is separate from, but complementary to, the Federal Aviation Administration's air traffic
1074 management system.

1075 ~~[(40)]~~ (42) "Vertiport" means an area of land, or a structure, used or intended to be
1076 used for electric, hydrogen, and hybrid vertical aircraft landings and takeoffs, including
1077 associated buildings and facilities.

1078 Section 9. Section **72-10-110** is amended to read:

1079 **72-10-110. Aircraft registration information requirements -- Registration fee --**
1080 **Administration -- Partial year registration.**

1081 (1) All applications for aircraft registration shall contain:

1082 (a) a description of the aircraft, including:
1083 (i) the manufacturer or builder;
1084 (ii) the Federal Aviation Administration aircraft registration number, type, year of
1085 manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for
1086 air worthiness by an inspector of the Federal Aviation Administration; and
1087 (iii) gross weight;
1088 (b) the name and address of the owner of the aircraft; and
1089 (c) where the aircraft is located, or the address where the aircraft is usually used or
1090 based.
1091 (2) (a) Except as provided in Subsection (3) or (4), at the time application is made for
1092 registration or renewal of registration of an aircraft under this chapter, an annual registration
1093 fee of:
1094 (i) 0.4% of the average wholesale value of the aircraft shall be paid[-]; or
1095 (ii) for a roadable aircraft, 0.2% of the average wholesale value of the roadable aircraft
1096 shall be paid.
1097 (b) For purposes of calculating the average wholesale value of an aircraft under
1098 Subsection (2)(a) or (3)(d), the department shall use the average wholesale value as stated in
1099 the Aircraft Bluebook Price Digest.
1100 (c) For an aircraft not listed in the Aircraft Bluebook Price Digest, the department shall
1101 calculate the average wholesale value of the aircraft using common industry standards.
1102 (d) (i) An owner of an aircraft may challenge the department's calculation of the
1103 average wholesale value of the aircraft.
1104 (ii) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
1105 Administrative Rulemaking Act, to establish a process for challenging the department's
1106 calculation under Subsection (2)(d)(i).
1107 (3) (a) An annual registration fee of \$100 is imposed on an aircraft that is used:
1108 (i) exclusively by an entity that is exempt from federal income taxation under Section
1109 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter
1110 2, Property Tax Act; and
1111 (ii) for the emergency transportation of medical patients for at least 95% of its flight
1112 time.

- 1113 (b) An annual registration fee is imposed on an aircraft 60 years or older equal to the
1114 lesser of:
- 1115 (i) \$100; or
 - 1116 (ii) the annual registration fee provided for under Subsection (2)(a).
- 1117 (c) (i) Except as provided in Subsection (3)(c)(iii), an owner of an aircraft shall apply
1118 for a certificate of registration described in Section 72-10-109, if the aircraft:
- 1119 (A) is in the manufacture, construction, fabrication, assembly, or repair process;
 - 1120 (B) is not complete; and
 - 1121 (C) does not have a valid airworthiness certificate.
- 1122 (ii) An aircraft described in Subsection (3)(c)(i) is exempt from the annual registration
1123 fee described in Subsection (2)(a).
- 1124 (iii) The registration requirement described in Subsection (3)(c)(i) does not apply to an
1125 aircraft that, in accordance with Section 59-12-104, is exempt from the taxes imposed under
1126 Title 59, Chapter 12, Sales and Use Tax Act.
- 1127 (d) An annual registration fee of .25% of the average wholesale value of the aircraft is
1128 imposed on an aircraft if the aircraft is:
- 1129 (i) used by an air charter service for air charter; and
 - 1130 (ii) owned by a person other than the air charter service.
- 1131 (e) The annual registration fee required in this section is due on December 31 of each
1132 year.
- 1133 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1134 the department shall make rules to establish and administer a registration fee for an unmanned
1135 aircraft system or an advanced air mobility system registered pursuant to Subsection
1136 72-10-109(3).
- 1137 (b) The rules made pursuant to Subsection (4)(a) regarding registration and applicable
1138 fees for an unmanned aircraft system or an advanced air mobility system may include:
- 1139 (i) a system for classifying unmanned aircraft systems or an advanced air mobility
1140 systems;
 - 1141 (ii) technical guidance for complying with state and federal law;
 - 1142 (iii) criteria under which the department may suspend or revoke registration;
 - 1143 (iv) criteria under which the department may waive registration requirements for an

1144 applicant currently holding a valid license or permit to operate unmanned aircraft systems
1145 issued by another state or territory of the United States, the District of Columbia, or the United
1146 States; and

1147 (v) other rules regarding operation as determined by the department.

1148 (c) (i) Registration fees for an unmanned aircraft system shall be deposited into the
1149 aeronautics restricted account created in Section 72-2-126.

1150 (ii) The registration fee imposed under Subsection (2)(a)(i) for a roadable aircraft shall
1151 be deposited in the aeronautics restricted account created in Section 72-2-126.

1152 (5) (a) The department shall provide a registration card to an owner of an aircraft if:

1153 (i) the owner complies with the registration requirements of this section; and

1154 (ii) the owner of the aircraft states that the aircraft has a valid airworthiness certificate.

1155 (b) An owner of an aircraft shall carry the registration card in the registered aircraft.

1156 (6) The registration fees assessed under this chapter shall be collected by the
1157 department to be distributed as provided in Subsection (7).

1158 (7) After deducting the costs of administering all aircraft registrations under this
1159 chapter, the department shall deposit all remaining aircraft registration fees into the
1160 Aeronautics Restricted Account created by Section 72-2-126.

1161 (8) Aircraft which are initially registered under this chapter for less than a full calendar
1162 year shall be charged a registration fee which is reduced in proportion to the fraction of the
1163 calendar year during which the aircraft is registered in this state.

1164 (9) (a) For purposes of this section, an aircraft based at the owner's airport means an
1165 aircraft that is hangared, tied down, or parked at an owner's airport for a plurality of the year.

1166 (b) Semi-annually, an owner or operator of an airport open to public use, or of an
1167 airport that receives grant funding from the state, shall provide a list of all aircraft based at the
1168 owner's airport to the department.

1169 (10) The department shall maintain a statewide database of all aircraft based within the
1170 state.

1171 (11) The department may suspend or revoke a registration if the department determines
1172 that the required fee has not been paid and the fee is not paid upon reasonable notice and
1173 demand.

1174 Section 10. Section 72-10-401 is amended to read:

1175 **72-10-401. Definitions.**1176 As used in this part~~[-unless the context otherwise requires]:~~1177 (1) (a) "Airport" means any publicly used area of land or water that is used, or intended
1178 to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of
1179 the public for these purposes.1180 (b) "Airport" includes a vertiport if the vertiport is open for public use.1181 (2) "Airport hazard" means any structure, tree, object of natural growth, or use of land
1182 that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable
1183 airspace required for the flight of aircraft in landing or take-off at an airport.

1184 (3) "Airport influence area" means land located:

1185 (a) within 5,000 feet of an airport runway[-]; or1186 (b) within 500 feet of a vertiport that is open for public use.1187 (4) "Airport overlay zone" means a secondary zoning district designed to protect the
1188 public health, safety, and welfare near an airport that:1189 (a) applies land use regulation in addition to the primary zoning district land use
1190 regulation of property used as an airport and property within an airport influence area;

1191 (b) may extend beyond the airport influence area;

1192 (c) ensures airport utility as a public asset;

1193 (d) protects property owner land values near an airport through compatible land use
1194 regulations as recommended by the Federal Aviation Administration; and

1195 (e) protects aircraft occupant safety through protection of navigable airspace.

1196 (5) "Avigation easement" means an easement permitting unimpeded aircraft flights
1197 over property subject to the easement and includes the right:1198 (a) to create or increase noise or other effects that may result from the lawful operation
1199 of aircraft; and

1200 (b) to prohibit or remove any obstruction to such overflight.

1201 (6) "Land use regulation" means the same as that term is defined in Sections [10-9a-103](#)
1202 and [17-27a-103](#).

1203 (7) "Political subdivision" means any municipality, city, town, or county.

1204 (8) "Structure" means any object constructed or installed by man, including buildings,
1205 towers, smokestacks, and overhead transmission lines.

1206 (9) "Tree" means any object of natural growth.

1207 Section 11. Section **72-10-403** is amended to read:

1208 **72-10-403. Airport zoning regulations.**

1209 (1) Flight of aircraft over the lands and waters of the state is lawful, unless:

1210 (a) at such a low altitude as to interfere with the existing use to which the owner has
1211 put the land, water, or the airspace over the land or water; or

1212 (b) so conducted as to be imminently dangerous to persons or property lawfully on the
1213 land or water beneath.

1214 ~~[(1)]~~ (2) In order to prevent the creation or establishment of airport hazards, each
1215 political subdivision located within an airport influence area, shall adopt, administer, and
1216 enforce land use regulations for the airport influence area, including an airport overlay zone,
1217 under the police power and in the manner and upon the conditions prescribed:

1218 (a) in this part;

1219 (b) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;
1220 and

1221 (c) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

1222 ~~[(2)]~~ (3) (a) Each political subdivision located within an airport influence area shall
1223 notify a person building on or developing land in an airport influence area, in writing, of
1224 aircraft overflights and associated noise.

1225 (b) To promote the safe and efficient operation of the airport, a political subdivision
1226 located within an airport influence area:

1227 (i) shall:

1228 (A) adopt an airport overlay zone conforming to the requirements of this chapter and
1229 14 C.F.R. Part 77; and

1230 (B) require any proposed development within an airport influence area to conform with
1231 14 C.F.R. Part 77; and

1232 (ii) may, as a condition to granting a building permit, subdivision plat, or a requested
1233 zoning change within an airport influence area, require a person building or developing land to
1234 grant or sell to the airport owner, at appraised fair market value, an aviation easement.

1235 ~~[(3)]~~ (4) If a political subdivision located within an airport influence area fails to adopt
1236 an airport overlay zone by December 31, 2024, then the following requirements shall apply in

1237 an airport influence area:

1238 (a) each political subdivision located within an airport influence area shall notify a
1239 person building on or developing land within an airport influence area, in writing, of aircraft
1240 overflights and associated noise;

1241 (b) as a condition to granting a building permit, subdivision plat, or a requested zoning
1242 change within an airport influence area, require the person building or developing land to grant
1243 or sell to the airport owner, at appraised fair market value, an aviation easement; and

1244 (c) require a person building or developing land within an airport influence area
1245 conform to the requirements of this chapter and 14 C.F.R. Part 77.

1246 Section 12. Section 72-10-1101 is enacted to read:

1247 **Part 11. Navigable Airspace Leasing**

1248 **72-10-1101. Navigable airspace leasing.**

1249 (1) A highway authority may lease the navigable airspace above a highway for private
1250 purposes:

1251 (a) for such period as the highway authority determines the navigable airspace will not
1252 be needed for public purposes; and

1253 (b) upon other terms and conditions the highway authority finds to be in the public
1254 interest.

1255 (2) Before leasing navigable airspace, a highway authority shall:

1256 (a) notify the property owners abutting the relevant navigable airspace proposed to be
1257 leased; and

1258 (b) provide the property owners abutting the relevant navigable airspace proposed to be
1259 leased with an opportunity to be heard with respect to the proposed navigable airspace leasing.

1260 (3) After satisfying the requirements of Subsection (2), the highway authority shall
1261 determine whether the lease of the navigable airspace will not unreasonably interfere with the
1262 public use and utility of the highway and is in the public interest.

1263 (4) The lease of navigable airspace above a highway for private purposes does not
1264 affect the dedication of the highway under Section [72-5-104](#).

1265 Section 13. Section 72-10-1201 is enacted to read:

1266 **Part 12. Prohibition on the Purchase of Unmanned Aircraft Manufactured or Assembled**
1267 **by a Covered Foreign Entity**

1268 **72-10-1201. Definitions.**

1269 As used in this part:

1270 (1) "Covered foreign entity" means an individual, foreign government, or party:

1271 (a) on the Consolidated screening list or Entity List as designated by the United States

1272 Secretary of Commerce;

1273 (b) domiciled in the People's Republic of China or the Russian Federation;

1274 (c) under the influence or control of the government of the People's Republic of China

1275 or the Russian Federation; or

1276 (d) that is a subsidiary or affiliate of an individual, government, or party described in

1277 Subsections (1)(a) through (c).

1278 (2) "Political subdivision" means the same as that term is defined in Section

1279 [11-55-102.](#)

1280 (3) "Public entity" means the state of Utah, a political subdivision, or any department,
1281 division, commission, or other governmental entity created by the Utah Constitution or law.

1282 Section 14. Section **72-10-1202** is enacted to read:

1283 **72-10-1202. Prohibition on the purchase of unmanned aircraft manufactured or**
1284 **assembled by a covered foreign entity.**

1285 (1) A public entity may not purchase or otherwise acquire an unmanned aircraft system
1286 that is manufactured or assembled by a covered foreign entity.

1287 (2) No state funds may be used in connection with an unmanned aircraft system
1288 manufactured or assembled by a covered foreign entity, including state funds awarded through
1289 a contract, grant, or cooperative agreement or otherwise made available.

1290 (3) Beginning on May 1, 2028, a public entity may not operate a unmanned aircraft
1291 manufactured or assembled by a covered foreign entity.

1292 Section 15. **Effective date.**

1293 This bill takes effect on May 1, 2024.