

SB0135S03 compared with SB0135S02

~~{deleted text}~~ shows text that was in SB0135S02 but was deleted in SB0135S03.

inserted text shows text that was not in SB0135S02 but was inserted into SB0135S03.

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~~{Senator Wayne A}~~Representative Kay J. ~~{Harper}~~Christofferson proposes the following substitute bill:

ADVANCED AIR MOBILITY AND AERONAUTICS{

} AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: { } Wayne A. Harper

House Sponsor: { } Kay J. Christofferson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires roadable aircraft to be registered as both a motor vehicle and as an aircraft;
- ▶ provides for the distribution of registration fees for roadable aircraft and advanced air mobility systems;
- ▶ amends definitions related to airports of regional significance;

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- ▶ provides for the leasing of navigable airspace above highway rights-of-way in certain circumstances;
- ▶ extends certain land use protections to public use vertiports;
- ▶ clarifies that flight is generally permitted in airspace over state lands and waters;
- ▶ prohibits government entities from purchasing or operating an unmanned aircraft system manufactured or assembled in certain foreign countries for inspection of certain critical infrastructure; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

41-1a-205, as last amended by Laws of Utah 2017, Chapters 149, 406

41-1a-501, as last amended by Laws of Utah 1992, Chapter 218 and renumbered and amended by Laws of Utah 1992, Chapter 1

41-1a-1201, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and 372

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

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

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

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

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

72-10-109, as last amended by Laws of Utah 2023, Chapter 216

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

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

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

ENACTS:

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72-10-1101, Utah Code Annotated 1953

72-10-1201, Utah Code Annotated 1953

72-10-1202, Utah Code Annotated 1953

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

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

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- (6) "Alternative fuel vehicle" means:
 - (a) an electric motor vehicle;
 - (b) a hybrid electric motor vehicle;
 - (c) a plug-in hybrid electric motor vehicle; or
 - (d) a motor vehicle powered exclusively by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.
- (7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- (9) "Automated driving system" means the same as that term is defined in Section

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41-26-102.1.

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

- (a) rebuilt and restored to operation;
- (b) flooded and restored to operation; or
- (c) not restored to operation.

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

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

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

(14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

- (a) as a carrier for hire, compensation, or profit; or
- (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

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

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

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

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

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

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

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

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

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

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

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

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

(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.

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

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

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

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

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

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

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

(b) a rechargeable energy storage system where energy for the storage system comes

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solely from sources onboard the vehicle.

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

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

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

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

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

(33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

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

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

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

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

(38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by armed forces and that is maintained in a condition that represents the vehicle's

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military design and markings regardless of current ownership or use.

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

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

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

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

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

(i) an off-highway vehicle; or

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

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

(43) "Motorcycle" means:

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

(b) an autocycle.

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

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

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

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

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

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

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(49) (a) "Operate" means:

(i) to navigate a vessel; or

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

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

(B) an engaged automated driving system.

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

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

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

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

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

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

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

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

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

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

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

(54) "Personalized license plate" means a license plate that has displayed on it a

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combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

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

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

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

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

(58) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

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

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

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

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

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

(64) "Registration decal" means the decal issued by the division that is evidence of

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compliance with the division's registration requirements.

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

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

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

(67) "Replica vehicle" means:

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

(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

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

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(i) 20 years or older from the current year; or

(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

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

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

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

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

(ii) not designed to operate in traffic; and

(iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

(i) farm tractors;

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

(iii) ditch-digging apparatus.

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

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

~~(77)~~ (78) (a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).

(b) "Standard license plate" includes a license plate for general issue that the division

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issues before January 1, 2024.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;
- (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; [~~and~~]
- (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act[~~-~~]; and
- (j) for a roadable aircraft, provide proof of registration of the roadable aircraft as an aircraft under Section 72-10-109.

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

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

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

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

- (a) Section 72-1-213.1; or
- (b) Section 72-6-118.

Section 3. Section **41-1a-205** is amended to read:

41-1a-205. Safety inspection certificate required for commercial motor vehicles and initial registration of street-legal ATVs and salvage vehicles.

(1) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509 is subject to a safety inspection the first time that a person registers an off-highway vehicle as a street-legal all-terrain vehicle.

(2) A salvage vehicle as defined in Section 41-1a-1001 is subject to a safety inspection when the owner makes the initial application to register the vehicle as a salvage vehicle.

(3) A roadable aircraft is subject to a safety inspection when the owner makes the initial application to register the roadable aircraft.

~~(3)~~ (4) A safety inspection certificate shall be displayed on:

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- (a) all registered commercial vehicles as defined in Section 72-9-102;
- (b) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;
- (c) a combination unit;
- (d) a bus or van for hire;
- (e) a taxicab; and
- (f) a motor vehicle operated by a ground transportation service provider as defined in Section 72-10-601.

~~[(4)]~~ (5) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Section 4. Section **41-1a-501** is amended to read:

41-1a-501. Certificate of title required.

Unless exempted, each owner of a motor vehicle, vessel, outboard motor, trailer, semitrailer, manufactured home, mobile home, ~~[or]~~ off-highway vehicle, or roadable aircraft shall apply to the division for a certificate of title on forms furnished by the division as evidence of ownership.

Section 5. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

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

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

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

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

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

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administering this part.

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

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

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

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

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

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

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

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii)[:]; and

(vii) \$17 of the registration fee imposed under Subsection 41-1a-1206(1)(j).

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

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

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

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

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

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

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

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

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

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

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

(ii) 0.

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

Section 6. Section **41-1a-1206** is amended to read:

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

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

(a) \$46.00 for each motorcycle;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) each electric motor vehicle; and

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

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

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

(i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year of 1983 or newer, 50 cents[-]; and

(j) \$28.50 for each roadable aircraft.

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

(i) \$34.50 for each motorcycle; and

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

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

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

(A) each electric motor vehicle; and

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

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

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

(3) (a) Beginning on January 1, 2024, at the time of registration:

(i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i), (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 an additional \$7 as part of the registration fee; and

(ii) in addition to the amounts described in Subsection (2)(a), the individual shall also pay an additional \$5 as part of the registration fee.

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

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

(B) 0.

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

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

(B) 0.

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

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

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

(c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License

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Plates, is exempt from the registration fees under Subsection (1).

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

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

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

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

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

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

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

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

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

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

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

Section 7. Section **41-6a-1642** is amended to read:

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

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

(a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle

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is exempt from emissions inspection and maintenance program requirements be presented:

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

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

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

(i) the federal government;

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

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

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

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

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

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

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

(D) Volkswagen Golf Sportwagen, model year 2015;

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

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

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

(H) Audi A3, model years 2010, 2011, 2012, 2013, and 2015; and

(ii) a 3.0-liter diesel engine motor vehicle in which its lifetime nitrogen oxide emissions are mitigated in the state to a settlement, including:

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(A) Volkswagen Touareg, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

(B) Audi Q7, model years 2009, 2010, 2011, 2012, 2013, 2014, 2015, and 2016;

(C) Audi A6 Quattro, model years 2014, 2015, and 2016;

(D) Audi A7 Quattro, model years 2014, 2015, and 2016;

(E) Audi A8, model years 2014, 2015, and 2016;

(F) Audi A8L, model years 2014, 2015, and 2016;

(G) Audi Q5, model years 2014, 2015, and 2016; and

(H) Porsche Cayenne Diesel, model years 2013, 2014, 2015, and 2016.

(b) (i) An owner of a restored-modified vehicle subject to Subsection (1) shall obtain a motor vehicle emissions inspection and maintenance program certificate of emissions inspection as described in Subsection (1).

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

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

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

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

(A) the owner shall present the signed statement described in Subsection 41-1a-226(4); and

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

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

(3) (a) The legislative body of a county identified in Subsection (1), in consultation

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with the Air Quality Board created under Section 19-1-106, shall make regulations or ordinances regarding:

- (i) emissions standards;
- (ii) test procedures;
- (iii) inspections stations;
- (iv) repair requirements and dollar limits for correction of deficiencies; and
- (v) certificates of emissions inspections.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) a motor vehicle that:

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- (i) meets the definition of a farm truck under Section 41-1a-102; and
- (ii) has a gross vehicle weight rating of 12,001 pounds or more;
- (c) a vintage vehicle as defined in Section 41-21-1:
 - (i) if the vintage vehicle has a model year of 1982 or older; or
 - (ii) for a vintage vehicle that has a model year of 1983 or newer, if the owner provides proof of vehicle insurance that is a type specific to a vehicle collector;
- (d) a custom vehicle as defined in Section 41-6a-1507;
- (e) to the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401, et seq., a motor vehicle that is less than two years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer;
- (f) a pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight rating of 12,000 pounds or less, if the registered owner of the pickup truck provides a signed statement to the legislative body stating the truck is used:
 - (i) by the owner or operator of a farm located on property that qualifies as land in agricultural use under Sections 59-2-502 and 59-2-503; and
 - (ii) exclusively for the following purposes in operating the farm:
 - (A) for the transportation of farm products, including livestock and its products, poultry and its products, floricultural and horticultural products; and
 - (B) in the transportation of farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production and maintenance;
- (g) a motorcycle as defined in Section 41-1a-102;
- (h) an electric motor vehicle as defined in Section 41-1a-102; [~~and~~]
- (i) a motor vehicle with a model year of 1967 or older[~~;~~]; and
- (j) a roadable aircraft as defined in Section 72-10-102.
- (5) The county shall issue to the registered owner who signs and submits a signed statement under Subsection (4)(f) a certificate of exemption from emissions inspection requirements for purposes of registering the exempt vehicle.
- (6) A legislative body of a county described in Subsection (1) may exempt from an emissions inspection program a diesel-powered motor vehicle with a:

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- (a) gross vehicle weight rating of more than 14,000 pounds; or
- (b) model year of 1997 or older.

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

- (a) a computerized emissions inspection for a diesel-powered motor vehicle that has:
 - (i) a model year of 2007 or newer;
 - (ii) a gross vehicle weight rating of 14,000 pounds or less; and
 - (iii) a model year that is five years old or older;
- (b) a visual inspection of emissions equipment for a diesel-powered motor vehicle:
 - (i) with a gross vehicle weight rating of 14,000 pounds or less;
 - (ii) that has a model year of 1998 or newer; and
 - (iii) that has a model year that is five years old or older.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) (i) If the title of a used motor vehicle is being transferred, the owner may use an emissions inspection certificate issued for the motor vehicle during the previous 11 months to

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satisfy the requirement under this section.

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

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

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

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

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

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

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

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

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

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

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quality standard.

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

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

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

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

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

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

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

(A) participation in club activities;

(B) exhibitions;

(C) tours; or

(D) parades; or

(ii) is only used for occasional transportation.

Section 8. Section **59-12-602** is amended to read:

59-12-602. Definitions.

As used in this part:

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

~~[(b)]~~ "Airport facility" ~~[includes]~~ means an airport of regional significance, and

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includes:

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

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

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

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

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

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

~~[(3)]~~ (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

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

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

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

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

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

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

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

~~[(10)]~~ (11) (a) Except as provided in Subsection ~~[(10)(c)]~~ (11)(c), "recreational vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary

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dwelling for travel, recreational, or vacation use, that is pulled by another vehicle.

(b) "Recreational vehicle" includes:

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

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

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

(b) "Restaurant" does not include:

- (i) any retail establishment whose primary business or function is the sale of fuel or food items for off-premise, but not immediate, consumption; and
- (ii) a theater that sells food items, but not a dinner theater.

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

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

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

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

Section 9. Section **72-2-126** is amended to read:

72-2-126. Aeronautics Restricted Account.

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

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

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

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

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

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

(e) interest earned on account money.

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

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

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

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

(iii) operation of the division of aeronautics;

(iv) the promotion of aeronautics in this state; and

(v) the payment of the costs and expenses of the Department of Transportation in administering Title 59, Chapter 13, Part 4, Aviation Fuel, or another law conferring upon it the duty of regulating and supervising aeronautics in this state.

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

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

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

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

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

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

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

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

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

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

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

72-10-102. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

- (a) compensation or other reward;

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- (b) advertising the occupation;
- (c) calling his facilities an air school, or any equivalent term; or
- (d) employing or using other instructors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (III) for the sale of, or the sale or lease of rights in, mineral, natural, or agricultural

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products or water owned by the airport operator to be taken from the airport; and

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

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

(ii) state and local taxes on aviation fuel.

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

(12) "Air school" means any person engaged in giving, offering to give, or advertising, representing, or holding himself out as giving, with or without compensation or other reward, instruction in aeronautics, flying, or ground subjects, or in more than one of these subjects.

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

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

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

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

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

(18) "Commercial operations" means:

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

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

(c) does not include any operations of aircraft as common carriers certificated by the

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federal government or the services incidental to those operations.

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

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

(21) "Experimental aircraft" means:

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

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

(i) being custom or amateur built; and

(ii) used for recreational, educational, or display purposes.

(22) "Flight" means any kind of locomotion by aircraft while in the air.

(23) "Flying club" means five or more persons who for neither profit nor reward own, lease, or use one or more aircraft for the purpose of instruction, pleasure, or both.

(24) "Glider" means an aircraft heavier than air, similar to an airplane, but without a power plant.

(25) "Mechanic" means a person who constructs, repairs, adjusts, inspects, or overhauls aircraft, engines, or accessories.

(26) "Navigable airspace" means the same as that term is defined in 49 U.S.C. Sec. 40102.

~~[(26)]~~ (27) "Parachute jumper" means any person who has passed the required test for jumping with a parachute from an aircraft, and has passed an examination showing that he possesses the required physical and mental qualifications for the jumping.

~~[(27)]~~ (28) "Parachute rigger" means any person who has passed the required test for packing, repairing, and maintaining parachutes.

~~[(28)]~~ (29) "Passenger aircraft" means aircraft used for transporting persons, in addition to the pilot or crew, with or without their necessary personal belongings.

~~[(29)]~~ (30) "Person" means any individual, corporation, limited liability company, or association of individuals.

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~~[(30)]~~ (31) "Pilot" means any person who operates the controls of an aircraft while in-flight.

~~[(31)]~~ (32) "Primary glider" means any glider that has a gliding angle of less than 10 to one.

~~[(32)]~~ (33) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision, including the government of the United States, of the District of Columbia, and of any state, territory, or insular possession of the United States, but not including any government-owned aircraft engaged in carrying persons or goods for commercial purposes.

~~[(33)]~~ (34) "Reckless flying" means the operation or piloting of any aircraft recklessly, or in a manner as to endanger the property, life, or body of any person, due regard being given to the prevailing weather conditions, field conditions, and to the territory being flown over.

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

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

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

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

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

- (a) capable of sustaining flight; and
- (b) operated with no possible direct human intervention from on or within the aircraft.

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

- (a) the unmanned aircraft, including payload;
- (b) communications equipment;
- (c) navigation equipment;
- (d) controllers;
- (e) support equipment; and
- (f) autopilot functionality.

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

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

Section 11. Section **72-10-109** is amended to read:

72-10-109. Certificate of registration of aircraft required -- Exceptions.

(1) (a) A person may not operate, pilot, or navigate, or cause or authorize to be operated, piloted, or navigated within this state any civil aircraft domiciled in this state unless the aircraft has a current certificate of registration issued by the department.

(b) The restriction described in Subsection (1)(a) does not apply to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operations of the registered aircraft or to a non-passenger-carrying flight solely for inspection or test purposes authorized by the Federal Aviation Administration to be made without the certificate of registration.

(2) Aircraft centrally assessed by the State Tax Commission are exempt from the state registration requirement under Subsection (1).

(3) Beginning on January 1, ~~[2024]~~ 2025, a person may not operate in this state an unmanned aircraft system or an advanced air mobility aircraft for commercial operation for which certification is required under 14 C.F.R. Part 107 or 135 unless the aircraft has a current certificate of registration issued by the department.

Section 12. Section **72-10-110** is amended to read:

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

(1) All applications for aircraft registration shall contain:

(a) a description of the aircraft, including:

(i) the manufacturer or builder;

(ii) the Federal Aviation Administration aircraft registration number, type, year of manufacture, or if an experimental aircraft, the year the aircraft was completed and certified for

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air worthiness by an inspector of the Federal Aviation Administration; and

(iii) gross weight;

(b) the name and address of the owner of the aircraft; and

(c) where the aircraft is located, or the address where the aircraft is usually used or based.

(2) (a) Except as provided in Subsection (3) or (4), at the time application is made for registration or renewal of registration of an aircraft under this chapter, an annual registration fee of:

(i) 0.4% of the average wholesale value of the aircraft shall be paid[-]; or

(ii) for a roadable aircraft, 0.2% of the average wholesale value of the roadable aircraft shall be paid.

(b) For purposes of calculating the average wholesale value of an aircraft under Subsection (2)(a) or (3)(d), the department shall use the average wholesale value as stated in the Aircraft Bluebook Price Digest.

(c) For an aircraft not listed in the Aircraft Bluebook Price Digest, the department shall calculate the average wholesale value of the aircraft using common industry standards.

(d) (i) An owner of an aircraft may challenge the department's calculation of the average wholesale value of the aircraft.

(ii) The department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for challenging the department's calculation under Subsection (2)(d)(i).

(3) (a) An annual registration fee of \$100 is imposed on an aircraft that is used:

(i) exclusively by an entity that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code, and exempt from property taxation under Title 59, Chapter 2, Property Tax Act; and

(ii) for the emergency transportation of medical patients for at least 95% of its flight time.

(b) An annual registration fee is imposed on an aircraft 60 years or older equal to the lesser of:

(i) \$100; or

(ii) the annual registration fee provided for under Subsection (2)(a).

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(c) (i) Except as provided in Subsection (3)(c)(iii), an owner of an aircraft shall apply for a certificate of registration described in Section 72-10-109, if the aircraft:

- (A) is in the manufacture, construction, fabrication, assembly, or repair process;
- (B) is not complete; and
- (C) does not have a valid airworthiness certificate.

(ii) An aircraft described in Subsection (3)(c)(i) is exempt from the annual registration fee described in Subsection (2)(a).

(iii) The registration requirement described in Subsection (3)(c)(i) does not apply to an aircraft that, in accordance with Section 59-12-104, is exempt from the taxes imposed under Title 59, Chapter 12, Sales and Use Tax Act.

(d) An annual registration fee of .25% of the average wholesale value of the aircraft is imposed on an aircraft if the aircraft is:

- (i) used by an air charter service for air charter; and
- (ii) owned by a person other than the air charter service.

(e) The annual registration fee required in this section is due on December 31 of each year.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to establish and administer a registration fee for an unmanned aircraft system or an advanced air mobility system registered pursuant to Subsection 72-10-109(3).

(b) The rules made pursuant to Subsection (4)(a) regarding registration and applicable fees for an unmanned aircraft system or an advanced air mobility system may include:

(i) a system for classifying unmanned aircraft systems or an advanced air mobility systems;

(ii) technical guidance for complying with state and federal law;

(iii) criteria under which the department may suspend or revoke registration;

(iv) criteria under which the department may waive registration requirements for an applicant currently holding a valid license or permit to operate unmanned aircraft systems issued by another state or territory of the United States, the District of Columbia, or the United States; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 13. Section **72-10-401** is amended to read:

72-10-401. Definitions.

As used in this part~~[-unless the context otherwise requires]~~:

(1) (a) "Airport" means any publicly used area of land or water that is used, or intended to be used, for the landing and take-off of aircraft and utilized or to be utilized in the interest of

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the public for these purposes.

(b) "Airport" includes a vertiport if the vertiport is open for public use.

(2) "Airport hazard" means any structure, tree, object of natural growth, or use of land that potentially obstructs or otherwise impacts the safe and efficient utilization of the navigable airspace required for the flight of aircraft in landing or take-off at an airport.

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

(a) within 5,000 feet of an airport runway[-]; or

(b) within 500 feet of a vertiport that is open for public use.

(4) "Airport overlay zone" means a secondary zoning district designed to protect the public health, safety, and welfare near an airport that:

(a) applies land use regulation in addition to the primary zoning district land use regulation of property used as an airport and property within an airport influence area;

(b) may extend beyond the airport influence area;

(c) ensures airport utility as a public asset;

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

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

(5) "Avigation easement" means an easement permitting unimpeded aircraft flights over property subject to the easement and includes the right:

(a) to create or increase noise or other effects that may result from the lawful operation of aircraft; and

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

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

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

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

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

Section 14. Section **72-10-403** is amended to read:

72-10-403. Airport zoning regulations.

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

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

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

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

(a) in this part;

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

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

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

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

(i) shall:

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

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

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

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

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

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

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

Section 15. Section **72-10-1101** is enacted to read:

Part 11. Navigable Airspace Leasing

72-10-1101. Navigable airspace leasing.

(1) A highway authority may enter into a non-exclusive lease agreement for the use of the navigable airspace above a highway for private purposes:

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

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

(2) ~~Before leasing~~ entering into a lease agreement for the use of navigable airspace, a highway authority shall ~~;~~:

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

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

~~— (3) After satisfying the requirements of Subsection (2), the~~ ensure that the agreement described in Subsection (1) is consistent with Federal Aviation Administration requirements.

(3) The highway authority shall determine whether the ~~lease of the navigable airspace~~ agreement described in Subsection (1) will ~~not~~ unreasonably interfere with the public use and utility of the highway and is in the public interest.

(4) ~~The lease of navigable airspace above a highway for private purposes~~ An agreement described in Subsection (1) does not affect the dedication of the highway under Section 72-5-104.

Section 16. Section **72-10-1201** is enacted to read:

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

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72-10-1201. Definitions.

As used in this part:

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

(a) on the Consolidated Screening List or Entity List as designated by the United States Secretary of Commerce;

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

(c) under the influence or control of the government of the People's Republic of China or the Russian Federation; or

(d) that is a subsidiary or affiliate of an individual, government, or party described in Subsections (1)(a) through (c).

(2) "Critical infrastructure" means the same as that term is defined in Section 76-6-106.3.

(3) "Political subdivision" means the same as that term is defined in Section 11-55-102.

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

Section 17. Section **72-10-1202** is enacted to read:

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

~~{A}~~(1) Except as provided in Subsection (2), a public entity or contractor working directly for a public entity may not purchase or operate an unmanned aircraft system for the inspection of critical infrastructure if the unmanned aircraft system was manufactured or assembled by a covered foreign entity.~~{}~~

~~(2) Regardless of the country of origin of manufacture or assembly of an unmanned aircraft system, a public entity or contractor working directly for a public entity may operate an unmanned aircraft system for the inspection of critical infrastructure if:~~

~~(a) the public entity shall ensures that:~~

~~(i) the unmanned aircraft system is not connected to the Internet during the inspection operation;~~

~~(ii) after the inspection operation is complete, any data collected from the inspection, including any images, video, data, geospatial data, or flight logs, are removed before the~~

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unmanned aircraft system is connected to the Internet; and

(iii) if the inspection operation requires the broadcast of video from the unmanned aircraft system through an Internet connection, the relevant software for the unmanned aircraft system is developed in the United States or approved under the National Defense Authorization Act enacted for the most recent fiscal year; and

(b) the unmanned aircraft system, relevant software, or other components have not been prohibited by federal law, state law, or executive order.

Section 18. **Effective date.**

This bill takes effect on January 1, 2025.